

Reserve  
KFI  
1235  
A21  
v. 14  
no. 14  
Apr 6,  
1990  
AUG 28 1990

JIM EDGAR  
Secretary of State

VOLUME 14  
ISSUE 14

A WEEKLY  
PUBLICATION

APRIL 6  
1990

Pages 4985-5268

Secretary of State  
Administrative Code Div.  
201 West Monroe  
Springfield, IL 62756

(217) 782-9786

# ILLINOIS REGISTER

KFI 1235 - A21  
v. 14  
no. 14  
Received on: 04-10-90  
Illinois register

## Rules of Governmental Agencies

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## INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

## REGISTER PUBLICATION SCHEDULE 1990

<u>Material Rec'd after 4:30 p.m. on:</u>	<u>And before 4:30 p.m. on:</u>	<u>Will be in issue #:</u>	<u>Published on:</u>	<u>Material Rec'd after 4:30 p.m. on:</u>	<u>And before 4:30 p.m. on:</u>	<u>Will be in issue #:</u>	<u>Published on:</u>
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
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May 1, 1990	May 8, 1990	20	May 18, 1990	Nov. 5, 1990	Nov. 13, 1990	47	Nov. 26, 1990 (Mon.)
May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
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June 5, 1990	June 12, 1990	25	June 22, 1990	Dec. 11, 1990	Dec. 18, 1990	52	Dec. 28, 1990
June 12, 1990	June 19, 1990	26	June 29, 1990	Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991
June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Disposition of Deer Accidentally Killed by a Motor Vehicle or Other Non-Hunting Methods

2) CODE CITATION: 17 Ill. Adm. Code 750

3) SECTION NUMBERS:

PROPOSED ACTION:

Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 2.24 and 2.26 of The Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.4, 2.24 and 2.26).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED: This Part has been amended to remove the language stating that spotted fawns will not be legal to possess and to add language stating that designated employees and persons authorized by the Department may kill, with either a gun or a bow and arrow, a deer crippled by a collision with a motor vehicle, or injured by any other non-hunting method.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Disposition of Deer Accidentally Killed by a Motor Vehicle or Other Non-Hunting Methods

2) CODE CITATION: 17 Ill. Adm. Code 750

3) SECTION NUMBERS: PROPOSED ACTION:

750.10

## Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 2.24 and 2.26 of The Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.4, 2.24 and 2.26).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED: This Part has been amended to remove the language stating that spotted fawns will not be legal to possess and to add language stating that designated employees and persons authorized by the Department may kill, with either a gun or a bow and arrow, a deer crippled by a collision with a motor vehicle, or injured by any other non-hunting method.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE?  
No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?  
No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

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12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

**TITLE 17: CONSERVATION**  
**CHAPTER I: DEPARTMENT OF CONSERVATION**  
**SUBCHAPTER b: FISH AND WILDLIFE**

**PART 750**  
**DISPOSITION OF DEER ACCIDENTALLY KILLED BY A MOTOR VEHICLE**  
**OR OTHER NON-HUNTING METHODS**

**Section 750.10 Legal Possession Required Reporting Information**

**AUTHORITY:** Implementing and authorized by Sections 1.4, 2.24 and 2.26 of The Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.4, 2.24 and 2.26).

**SOURCE:** Adopted at 4 Ill. Reg. 37, P. 759, effective September 4, 1980; emergency amendment at 5 Ill. Reg. 7259, effective July 1, 1981 for a maximum of 150 day; codified at 5 Ill. Reg. 10646; amended 5 Ill. Reg. 13215, effective November 16, 1981; amended at 6 Ill. Reg. 7394, effective June 11, 1982; amended at 11 Ill. Reg. 2262, effective January 20, 1987; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 750.10 Legal Possession**

A whitetail deer that is killed as a result of a collision with a motor vehicle, or non-hunting methods may be legally possessed by an individual if the following criteria are met:

- a) The driver of a motor vehicle involved in a vehicle-deer collision has priority in possessing said deer. If the driver of a motor vehicle does not want the deer, any citizen of the State of Illinois may possess and transport said deer. All deer killed in a vehicle collision must be reported by the person possessing the deer to the Department of Conservation's Regional Law Enforcement Office by telephone within 24 hours if the collision occurred Monday through Thursday. Deer killed Friday through Sunday or on holidays must be reported during the next regular workday that the Regional Law Enforcement office is open. Deer shall not be processed for consumption beyond the removal of the entrails until the report is made and approval has been obtained.

- b) Any individual finding a dead or crippled deer, other than those killed in a vehicle-deer collision, or legally taken by law, shall not transport said deer or deer parts

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## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

until permission is obtained from a Conservation Police Officer or the Regional Law Enforcement Office. Permission must be obtained within 24 hours. Permission will be granted to transport if it is determined by an investigation that the person requesting possession is in no way involved in the deer's illegal taking.

- c) If two (2) or more deer are killed at one time, the driver is eligible to possess as many of these deer as he wishes.
- d) Possession of vehicle-killed or non-hunting method deer meat will be limited to 6 months from date of accident.
- e) ~~Spotted-fawn-will-not-be-legal-to-possess.~~
- f) Inedible parts of vehicle-killed or non-hunted deer will not be sold; however, they may be possessed. When retained, the head/antler and hide shall be properly tagged with an irremovable tag obtained from the Regional Law Enforcement Office. The head/antler and hide tags shall remain attached to the head/antler or hide as long as the head/antler or hide remains in the green state, or when in a commercial manufacturing processing. The inedible parts of vehicle-killed or non-hunted deer not retained by the individual possessing the deer must be disposed of in a lawful manner. The carcass shall be properly tagged with an irremovable tag obtained from the Regional Law Enforcement Office. This tag can be discarded only after the deer has been processed, prepared for consumption, and is at the legal residence of the person who legally took possession of the vehicle-killed or non-hunted deer. The carcass tag requirement shall be waived by the Regional Law Enforcement Office, when the individual possessing the deer will be keeping only the meat and the deer carcass will be processed at their residence.
- g) The State of Illinois is absolved of any and all liability associated with the handling or utilization of vehicle-killed or non-hunted deer. This, however, does not relieve involved parties from reporting other liabilities to appropriate agencies as required.
- h) Except for any Law Enforcement Officers, designated employees or persons authorized by the Department, in performance of their duties, it shall be illegal to kill

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## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

with either a gun or bow and arrow, a deer crippled by a collision with a motor vehicle, or injured by any other non-hunting method.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Dog Training on Department-Owned or Managed Sites

- 2) CODE CITATION: 17 Ill. Adm. Code 950

PROPOSED ACTION:

3) SECTION NUMBERS:

950.30	Amendments
950.40	Amendments
950.50	Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.4, 2.30, 2.34 and 3.5.)

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED: The amendments to this Part include clarifying the authority for dog training operations and expanding/modifying/decreasing dog training programs at State-owned or managed sites as recommended following evaluation of site specific resources.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

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DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF CONSERVATION  
SUBCHAPTER b: FISH AND WILDLIFE

PART 950  
DOG TRAINING ON DEPARTMENT-OWNED OR -MANAGED SITES

Section	Statewide Regulations
950.10	Definitions
950.20	Permit Requirements
950.30	Dog Training Seasons
950.40	Dog Training Regulations
950.50	Penalties, Future Rights/Appeal Procedures
950.60	

AUTHORITY: Implementing and authorized by Sections 1.4, 2.30., 2.34 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.4, 2.30. 2.34 and 3.5)

SOURCE: Amendment filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10652; Part repealed, new Part adopted at 12 Ill. Reg. 1808, effective December 31, 1987; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 950.30 Permit Requirements

- a) Any individual using a site for dog training must first obtain a permit from the Department. A permit may be obtained from the site office during regular business hours.

- b) Dog Training Permits are valid from April 1 to March 31.  
e+) A permit may be obtained from the site office during regular business hours.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_)

Section 950.40 Dog Training Seasons

Dog training at the following sites will be open from September 1 - March 31, except closed during site upland game season; additional exceptions in parenthesis:

Banner Marsh State Fish and Wildlife Area (no closed season)

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Carlyle Reservoir

Eldon Hazlet State Park (open only January 1 - March 31)

Eldon Hazlet State Park north of Allen Branch

Eckerts Woods Area

Clinton Lake State Recreation Area

Des Plaines State Fish and Wildlife Area (open all year except during site upland game season)

Hidden Springs State Forest

Horseshoe Lake State Recreation Area

Iroquois County State Wildlife Area

Kankakee River State Park

Kickapoo State Recreation Area

Lake Shelbyville, West Okaw and Kaskaskia Fish and Wildlife Area (additionally open sunrise to sunset, April 1 - June 30 for coonhound training only)

Marseilles Conservation Area (open only March 1 - August 30)

Middlefork Middle Fork State Fish and Wildlife Area

Mississippi River Area

Railsplitter State Recreation Area

Randolph County Conservation Area

Rhee Lake Conservation Area

Rock Cut State Park (open only March 1 - August 30)

Saline County Conservation Area

Sam Parr State Park

Sand Ridge State Forest

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Sangchris Lake State Park (closed from opening of upland game season until January 1)

Shabbona Lake State Recreation Area (open from July 15 through August 15 then from September 16 through September 30)

Shelbyville State Fish and Wildlife Area (open sunrise to sunset, April 1 - June 30 for coonhound training only)

Silver Springs State Park Fish and Wildlife Area

Stephen A. Forbes State Fish and Wildlife Area

Trail of Tears State Forest (open September 1 - March 31, closed 20 days before and after Raccoon Hunting Season, sunset to sunrise)

Washington County Conservation Area

Weinburg-King State Park

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 950.50 Dog Training Regulations

It shall be unlawful:

- a) to train dogs on Department property except in designated areas;
- b) to have any firearm in possession except that pistols with blank cartridges may be used;
- c) to park any vehicle in any area other than designated parking areas; and
- d) to use horses on Department property for dog training purposes, except at the following sites horses may be used:
  - Carlyle Reservoir (Eldon Hazlet State Park north of Allen Branch)
  - Middle Fork State Fish and Wildlife Area

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## NOTICE OF PROPOSED AMENDMENTS

THE UNITED STATES BANK

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_,

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DEPARTMENT OF CONSERVATION

MEASURING THE PREDICTIVE VALIDITY OF THE DASH

- (Source: \_\_\_\_\_) Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_,  
2) CODE CITATION: 17 Ill. Adm. Code 590  
3) SECTION NUMBERS:  
PROPOSED ACTION:

## **PROPOSED ACTION:**

## **Amendments**

SECTION NUMBERS:

590.10  
590.20  
590.25  
590.40  
590.50  
590.60  
EXHIBIT

EXHIBIT A

- 4) **STATUTORY AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (III. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10), and Migratory

PRINT AUTHORITY (30 CFR 20; INTERACTIVE RESOURCE 29, 1987).

The proposed changes include expanding/modifying/decreasing waterfowl hunting programs on State-owned or managed sites and updating non-toxic shot zones as agreed upon by the State and U.S. Fish and Wildlife Service.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted via email to [rulemaking@doe.virginia.gov](mailto:rulemaking@doe.virginia.gov).

**ILLINOIS REGISTER****DEPARTMENT OF CONSERVATION****NOTICE OF PROPOSED AMENDMENTS**

may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS:** This rule has no impact on small businesses or municipalities.

**THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:**

Section	590.10	Statewide Regulations Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting
590.20	Illinois Youth Goose Hunting Permit Requirements Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites.	
590.30	Check Station Department Sites Only - Duck, Goose and Coot Hunting	
590.40	Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting	
590.50	Various Other Department Sites - Duck, Goose and Coot Hunting	
590.60	EXHIBIT A The Non-Toxic Shot Zones of Illinois	

**AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10), and Migratory Bird Hunting (50 CFR 20, effective September 29, 1987).

**SOURCE:** Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendments at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendments at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendments at 10 Ill. Reg. 1773, effective September 26, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendments at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendments at 12 Ill. Reg. 16233,

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendments at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendments at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 590.10 Statewide Regulations

- a) Pursuant to Section 2.18 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par 2.18), it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20, effective September 29, 1987) (collectively referred to in this Part as federal regulations), (no incorporation in this Part includes later amendments or editions) or contrary to any State regulations made in the Wildlife Code.
- b) The regulations in Section 2.33 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 2.33) on illegal devices shall apply to this rule, unless federal regulations are more restrictive.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20, effective September 29, 1987) unless the regulations in this rule are more restrictive. Shooting hours shall be from sunrise to sunset, except at specific sites where shooting hours are more restrictive, or for federally sanctioned experiments where shooting hours may be more liberal.
- d) It shall be unlawful while attempting to take migratory waterfowl to have in possession any shotgun shells prohibited by federal regulations. The only shot approved as non-toxic by the U.S. Fish and Wildlife Service (50 CFR 20) is steel shot, and copper-plated or nickel-plated steel shot for which the plating represents less than 1% the shot's weight. Lead shot plated with copper, nickel, or other material does not qualify.

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Sites covered by these regulations are as stated in the federal regulations or they are listed under Site Specific Regulations. Only non-toxic shot may be used for hunting waterfowl in the following non-toxic shot zones (see EXHIBIT A):

- 1) Mississippi River and adjacent areas in the following counties bordered by the roads and/or lines indicated below:
  - A) All of Alexander, Calhoun, Carroll, Hancock, Henderson, Jackson, Jersey, Jo Daviess, Madison, Mercer, Monroe, Pike, Randolph, Rock Island, St. Clair, and Union and Whiteside Counties.
  - B) Adams County, IL-96 (Lima), County Highway (Hwy) 41, County Hwy-7, County Hwy-8, and Lock and Dam 20. The Mark Twain National Wildlife Refuge, Bear Creek Unit is also a nontoxic shot zone.
  - C) Hanesek County, (Dallas City), IL-9/96-IL-96/US 136, and IL-96.
  - D) Henry County: I-80 and I-74/280.
  - E) Jo-Davies-County-H-35-(East-Dubuque) H-20, IL-94/US 20, and IL-84-
  - F) Mercer County: Railroad Bridge (Keithsburg) County Hwy-16, and County Hwy-25.
  - G) Whiteside-County-H-84-(Foothills), H-136/Father Read, County Hwy-21/Frog Pond Road, Garden Plain Road, County Hwy-21/Gard Read, and H-5.
- 2) Illinois River and adjacent areas in the following counties bordered by the roads and/or lines indicated below:
  - A) All of Bureau, Calhoun, Cass, Fulton, Greene, Grundy, Jersey, Marshall, Mason, Peoria, Pike, Putnam, Tazewell and Woodford Counties.
  - B) Brown County: County Hwy-3/Federal Aid Secondary Route (FAS) 582, FAS-582, County Hwy-12, and IL-99.

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**e)** Bureau County - IL-89 (Spring Valley), IL-6/89-T  
IL-29, and IL-26/29, and IL-29.

**D)** Greene County - Kampsville Ferry Route, IL-108  
and Federal Aid Primary Route (FAP) 155  
(south).

**E-C)** Morgan County: IL-104 (Meredosia) and  
IL-100/US-67.

**F-D)** Schuyler County: IL-100 (Bluff City) IL-103,  
and County Hwy-9.

**G)** Masswell County - IL-26, IL-116/US-150-T  
IL-8/116, IL-29, IL-9/29, IL-29, FAS-461, and  
County Hwy-16.

## 3) Southern Illinois Quota Zone

All of Alexander, Jackson, Union and Williamson  
Counties.

## 4) Rend Lake Goose Quota Zone

## All of Jefferson and Franklin Counties.

## 5) Other Areas

All of Bond, Christian, Clinton, Coles, Cook,  
DuPage, Fayette, Kane, Kendall, Lake and McHenry,  
Moultrie, Perry, Will and Winnebago Counties.

## e) Emergency Closure

The Department of Conservation (Department or DOC) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis.

## f) Closed Areas and Refuges

1) Ducks - Specific habitats, geographical areas, or political land units shall be closed to hunting of specified species of ducks in compliance with

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federal regulations.

2) Geese and Refuges

A) Additional geographical areas or political land units shall be closed to hunting of specified species of geese in compliance with federal regulations.

B) Portions of the following areas are designated as waterfowl refuges and the refuge boundaries are posted or identified on each area posting:

i) Horseshoe Lake Conservation Area - Alexander County (in the refuge no motors will be allowed from October 15 through December 31 and trolling motors will only be used from January 1 to March 1)

ii) Rend Lake and Rend Lake Wildlife Management Area

iii) Union County Conservation Area (all fishing and boat traffic is prohibited from October 15 through March 1)

g) Migratory Waterfowl Hunting Area Permits (Commercial and Non-Commercial)

1) The holder of a permit shall forward within one week after the close of the season or at an earlier time as requested by the Department, a report upon forms furnished by the Department providing information on the hunting season.

2) Section 590.10 (g) of this Part shall be in accordance with Section 3.7 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 3.7).

h) Teal Hunting Regulations are located in 17 Ill. Adm. Code 740.

i) When public duck blinds on State managed sites are flooded to the point that they are no longer usable, but the water level is not too high or rough to be a threat to public safety, the Department, by public announcement and posting, may permit waterfowl hunting anywhere on the area except in designated refuge areas. Any permits

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issued for the blinds are no longer valid and no fee to hunt the area will be charged.

Waterton's Hunting zones:

- 1) Northern Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.
  - 2) Central Zone - That portion of the State south of the northern zone boundary to the Modoc Ferry Landing on the Mississippi River and east along the Modoc Ferry Road to Randolph County Highway 12 to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.
  - 3) Southern Zone - From the southern boundary of the Central Zone south to the remainder of the State.
  - 4) Tri-county Goose Zone - Knox County and the following townships: Fulton County - Buckheart, Canton; Cass - Deerfield, Fairview, Farmington, Joshua, Orion, Putnam, and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. Route 247-Henry County-Alba, Annawan, Atkinson, Cornwall.
  - 5) Rend Lake Canada Goose Quota Zone - all lands and waters in Franklin and Jefferson Counties.
  - 6) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, DuPage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.
  - 7) Southern Illinois Quota Zone (Alexander, Union, Williamson, and Jackson Counties).

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 590.20 Permit Controlled Department Sites Only - Duck,  
Goose and Coot Hunting

- Sites covered in this Section, which allow hunting by permit only, are:

  - 1) Horseshoe Lake Conservation Area (Alexander County)
  - 2) Rice Lake Conservation Area
  - 3) Union County Conservation Area

Permit Requirements

  - 1) Permit reservations will be accepted starting in September. Initial acceptance dates will be publicly announced.
  - 2) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 3.8).
  - 3) The permit will be for the use of the entire blind and it will be the responsibility of the permit holder to bring one hunting partner for Horseshoe Lake (Alexander County) and Union County (two hunters per blind), except for the Youth Goose Hunt, or two hunting partners for Rice Lake (three hunters per blind). Unfilled blinds will be filled by a drawing at the sites.
  - 4) A) All duplicate permit reservations will be rejected and the hunter will forfeit his rights to a permit. Permits are not transferable.

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area. For other information write to:

Illinois Department of Conservation  
 Permit Office - Waterfowl  
 524 S. Second Street, Room 210-Hines  
 River Plaza  
 Room 210

P.O. Box 19227-19457  
 Springfield, IL 62794-9227-9457

Permits for waterfowl hunting will be issued from the Springfield Permit Office for Horseshoe Lake (Alexander County), Union County and Rice Lake.

c) General waterfowl hunting regulations for Horseshoe Lake (Alexander County), Union County and Rice Lake areas

1) Subsection (c) of this Section shall be in accordance with Federal Regulations (50 CFR 20, effective September 29, 1987) unless the regulations in this Section are more restrictive.

2) Season dates, bag limits and methods of taking geese are set by the U. S. Fish and Wildlife Service, Department of the Interior, unless State regulations are more restrictive.

## 3) Hours, Permits and Stamp Charges

A) Hunting hours are from legal opening time until 12:00 Noon at Rice Lake. Hunting hours at Horseshoe Lake (Alexander County) and Union County are from sunrise until 12:00 Noon—and will be closed on Mondays.

B) Hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing will be held to allocate blind sites. At Horseshoe Lake (Alexander County) and Union County, hunters with permit reservations from Springfield, who have drawn poorer blinds (as determined by the area operator), will have priority to be reassigned to the better blinds as they become available.

C) A \$15.00 Daily Usage Stamp must be purchased at Horseshoe Lake (Alexander County) and Union

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County. A \$6.00 Daily Usage Stamp must be purchased at Rice Lake.

- 4) When daily quotas are not filled, permits will be issued to standby hunters by a drawing held at the check station.
- 5) Hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamp in the check station while hunting. Persons exempt by law from having a hunting license and an Illinois stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.
- 6) Hunting will be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.
- 7) Baiting with corn, grains or other feed is not allowed.
- 8) Guns must be unloaded and encased at all times when not hunting.
- 9) Disturbing or molesting waterfowl, fishing, or trespassing within the posted area of any hunting ground is prohibited.

d)

Special Canada geese hunting regulations for Horseshoe Lake (Alexander County) and Union County.

- 1) The legal hunting season is the dates of the Quota Zone goose hunting season except that the areas will be closed December 24, 25 and 26.
- 2) ~~Hunters may not possess more than 10 shells—not shot larger than size # steel until January 1. During the January goose season, hunters may possess up to 15 shells with shot not larger than size # steel. It shall be unlawful for hunters to possess or use toxic (lead) shot in any gauge shotgun shells for hunting waterfowl. Hunters may not possess shells with shot larger than size # steel. Hunters may not possess more than 5 shells for each Canada Goose or subspecies allowed in the daily bag (i.e., if 2 Canada geese are allowed per day, hunters may have~~

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10 shells, if 3 are allowed, hunters may have 15 shells. It shall be unlawful for hunters to possess or use toxic (lead) shot in any gauge shotgun shells for hunting waterfowl.

- 3) Hunters cannot leave their blinds and shoot crippled geese. Hunters can leave the blind and retrieve their crippled geese but they must leave their guns in the blinds.
- 4) Hunters must be at least 16 years of age (except for the Illinois Youth Goose Hunt) to draw for a pit or blind on the Union County or Horseshoe Lake (Alexander County) areas. Each person under 16 years of age must be accompanied by a supervising adult.
- e) Special duck regulations for Rice Lake.
  - 1) The legal hunting season is the dates of the central zone duck hunting season.
  - 2) It shall be unlawful for hunters to possess or use toxic (lead) shot in any gauge shotgun shells for hunting waterfowl.
  - 3) All hunting parties (each blind) are required to use a minimum of 12 duck decoys.
  - 4) Hunters can bring a private boat or can rent a boat at the area. The maximum motor size limit for private boats is unrestricted and for rental boats is 10 h.p. while hunting. Boats will be provided with blinds on Big Lake and no motors will be allowed.
  - 5) Hunters must be at least 16 years of age to draw for a blind at the Rice Lake area.
  - 6) Rice Lake will be closed to hunting when the lake is frozen over.

(Source: \_\_\_\_\_)  
Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_

Section 590.25 Illinois Youth Goose Hunting Permit Requirements  
a) State sites covered in this Section, which allow hunting

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by permit only, are:  
Horseshoe Lake Conservation Area (Alexander County)  
Union County Conservation Area

- b) Permit Requirements
  - 1) Permit reservations will be accepted starting in September. Initial acceptance dates will be publicly announced. Applicants must be between the ages of 10 -15.
  - 2) Only one permit per person will be issued for the hunt on December 29-1998-28, 1990.
  - 3) The permit will be for the use of the entire blind and it will be the responsibility of the permit holder to bring one supervising adult who may also hunt at Horseshoe Lake (Alexander County) -or- Union County.
  - 4) Permit reservations and transferability.
    - A) All duplicate permit reservations will be rejected and the hunter will forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.
    - B) For other information write to:
 

Illinois Department of Conservation  
Youth Goose Hunt  
Division of Wildlife Resources  
524 S. Second Street, Room 210  
P.O. Box 19457  
Springfield, IL 62706-9446-62794-9457
- c) General waterfowl hunting regulations for Horseshoe Lake (Alexander County) and Union County.

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- 1) Subsection (c) shall be in accordance with Federal Regulations (50 CFR 20, effective September 29, 1987) unless the regulations in this Section are more restrictive.
- 2) Season dates, bag limits and methods of taking geese are set by the U.S. Fish and Wildlife Service, Department of the Interior, unless State regulations are more restrictive.
- 3) **Hours, Permits and Stamp Charges**
  - A) Hunting hours at Horseshoe Lake (Alexander County) and Union County are from sunrise until 12:00 noon on December 29, 1990.
  - B) Hunters with Illinois Youth Goose Hunt permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing will be held to allocate blind sites which have been made void. At Horseshoe Lake (Alexander County) and Union County, hunters with permit reservations from Springfield, who have drawn poorer blinds (as determined by the area operator), will have priority to be reassigned to the unused Illinois Youth Goose Hunt blinds.
  - C) There is no fee for the Illinois Youth Goose Hunting Permit.
- 4) Hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamps in the check station while hunting. Persons exempt by law from having a hunting license and a State Migratory Waterfowl Stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.
- 5) Hunting will be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.
- 6) Baiting with corn, grains or other feed is not allowed.
- 7) Hunters must have a 20 gauge or larger shotgun and

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- provide their own ammunition.
- 8) Guns must be unloaded and encased at all times when not hunting.
  - 9) Disturbing or molesting waterfowl, fishing, or trespassing within the posted area of any hunting ground is prohibited.
- d) Special Canada Geese Illinois Youth Goose Hunt hunting regulations for Horseshoe Lake (Alexander County) and Union County:
- 1) The legal hunting season is December 29, 1990.
  - 2) ~~Hunters~~ Each youth may not possess more than 20<sup>25</sup> shells nor shoot larger than size T steel. It shall be unlawful for hunters to possess or use toxic (lead) shot in any gauge shotgun shells for hunting waterfowl.
  - 3) Hunters cannot leave their blind and shoot crippled geese. Hunters can leave the blind and retrieve their crippled geese but they must leave their guns in the blinds.
  - 4) Each youth and supervising adult may be accompanied by a guide.
- (Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, \_\_\_\_\_)
- Section 590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting**
- a) Sites covered in this Section are:
    - Anderson Lake Conservation Area
    - Batchtown (Federal Lands)
    - Calhoun Point (Federal Lands)
    - Glades (Federal Lands)
    - Godar-Diamond (Federal Lands)

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- Horseshoe Lake State Park - Madison County  
 Lake DePue Fish and Wildlife Area  
 Marshall County Conservation Area  
 Mazonia Fish and Wildlife Area  
 Sanganois Conservation Area  
 Spring Lake Conservation Area  
 Stump Lake (Federal Lands)  
 Woodford County Conservation Area
- b) The sites listed above in Section 590.40(a) conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.30), except as noted in parentheses and in the remainder of this Section.
- 1) Anderson Lake Conservation Area - All Management Units (legal opening - noon)
  - 2) Batchtown (legal opening - 3:30 p.m. Central Standard Time (CST); decoys will be picked up and removed at the end of each day's hunt)
  - 3) Calhoun Point (legal opening - 3:30 p.m. CST; after the close of the duck season, geese pits will be alleviated by a daily drawing)
  - 4) Glades (legal opening - 3:30 p.m. CST)
  - 5) Godar-Diamond (legal opening - 3:30 p.m. CST)
  - 6) Horseshoe Lake - Madison County (legal opening - 3:30 p.m. CST; goose hunting is prohibited after the duck season)
  - 7) Lake DePue (sunrise - noon)
  - 8) Marshall County Conservation Area - Spring Branch Unit (legal opening - Noon)
  - 9) Mazonia Fish and Wildlife Area (legal opening to 12 noon; closed to goose hunting during the September season; closed Mondays and Tuesdays)

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- Sanganois (check station and walk-in area, legal opening - Noon)
- 10) Sanganois (check station and walk-in area, legal opening - Noon)
- 11) Spring Lake (legal opening - Noon; during the waterfowl season, the maximum horsepower limit for outboard motors on the lake is 25 h.p.)
- 12) Stump Lake (legal opening - 3:30 p.m. CST)
- 13) Woodford County Conservation Area (legal opening - Noon)
- c) The following regulations apply to all sites listed in this Section under Subsection (a):
- 1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends, goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
  - 2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before shooting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.
  - 3) All hunting will be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.
  - 4) All hunters must be checked out within one hour of the close of the legal shooting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards will be returned.
  - 5) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 3 days prior to the waterfowl season.
  - 6) It shall be unlawful to trespass upon the designated waterfowl hunting area 7 days prior to the waterfowl

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season and on areas designated as waterfowl refuges ~~14 days prior to the waterfowl season and from October 10 until the end of the waterfowl season on Anderson Lake, Lake Depue, Marshall County, Spring Lake, and Woodford County Sites, Godar-Diamond and Crull Impoundment.~~

- 7) It shall be illegal to fish or trespass upon the designated waterfowl hunting area or waterfowl refuge beginning two weeks prior to the waterfowl season until the end of waterfowl season at Mazonia Fish and Wildlife Area
- 8) No more than 4 persons shall occupy a blind at one time.

- d) During duck season, blinds not claimed by the builder or partners by one hour before shooting time will be assigned by a drawing at this time or during the time in parentheses, after which time the area will be closed to additional hunters.

Anderson Lake ~~(9:00 a.m.)~~  
Time - 10:00 a.m.

Batchtown (9:00 a.m. - 1:00 p.m.)

Calhoun Point (9:00 a.m. - 1:00 p.m.)

Glades (9:00 a.m. - 1:00 p.m.)

Godar-Diamond (9:00 a.m. - 1:00 p.m.)

Horseshoe Lake - Madison County (9:00 a.m. - 1:00 p.m.)  
Time - 9:00 a.m.

Lake Depue ~~(9:00 a.m.)~~  
Time - 9:00 a.m.

Marshall County Conservation Area - Spring Branch Unit ~~(9:00 a.m.)~~  
Time - 9:00 a.m.

Mazonia Fish and Wildlife Area ~~(9:00 a.m.)~~  
Time - 9:00 a.m.

Rice Lake ~~(9:00 a.m.)~~  
Time - 9:00 a.m.

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Sanganois (10:00 a.m.)

Spring Lake ~~(9:00 a.m.)~~  
Time - 9:00 a.m.

Stump Lake (9:00 a.m. - 1:00 p.m.)

Woodford County Conservation Area ~~(9:00 a.m.)~~  
Time before shooting time - 9:00 a.m.

- e) Blind sites will be allocated for a one-year period by a public drawing at:

Anderson Lake (Anderson Lake Management Unit)

Horseshoe Lake (Madison County)

Lake Depue

Marshall County Conservation Area - Spring Branch Unit

Mazonia Fish and Wildlife Area

Sanganois

Spring Lake

Woodford County Conservation Area

- f) Previous year's blind builders will have until the time as noted in parentheses to salvage materials from their blinds.

Anderson Lake (February 1 of the following year)

Batchtown (7 days after the current drawing)

Calhoun Point (7 days after the current drawing)

Glades (7 days after the current drawing)

Godar-Diamond (7 days after the current drawing)

Horseshoe Lake - Madison County (7 days after the current drawing)

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Lake DePue ~~(February 1 of the following year)~~ (7 days after the current drawing).

Marshall County Conservation Area - Spring Branch Unit (February 1 of the following year).

Mazonia Fish and Wildlife Area (February 1 of the following year)

Sanganois (7 days after the current drawing)

Spring Lake (February 1 of the following year)

Stump Lake (7 days after the current drawing)

Woodford County Conservation Area (February 1 of the following year)

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting**

a) Sites covered in this Section have additional regulations in parentheses:

Chain O'Lakes State Park (Goose hunting permitted during special goose season prior to regular waterfowl season; hunting allowed from numbered blind sites only; blinds need not be completed for hunting during special early goose season)

Des Plaines River Conservation Area (Goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season held prior to regular duck season provisions of 590-30(f) and 590-50(b) do not apply) hunting allowed from numbered blind sites only and blinds do not have to be completed.

Fuller Lake (Federal Lands; legal opening - 3:00 p.m.)

Helmbold Slough (Federal Lands; legal opening - 3:00 p.m.)

Illinois River - Pool 26

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Kankakee River State Park (no boat hide required; no goose hunting permitted during September Goose Season)

Lake Sinnissippi (Department Owned Land)

Marshall County Conservation Area - Sparland Unit (Department Owned Land)

Meredosia Lake - Cass County Portion Only (meandered waters only) (all boat traffic is prohibited from operating on meandered waters (except un-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes; hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26 (Federal Lands)

Pekin Lake (Department Owned Land)

Piasa (Federal Lands)

Red's Landing (Federal Lands)

Riprap Landing

Savanna Ordnance Depot (Federal Lands)

Starved Rock State Park

William W. Powers Conservation Area (no goose hunting during September Goose Season; boat hides required only at designated sites as announced at the drawing)

b) The sites listed above in Section 590.50 (a) conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.30), except as noted in the remainder of this Section. The following regulations apply to all sites listed in this Section under subsection (a).

- 1) Hours are legal opening to sunset.

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- 2) Blind builders or partners must occupy their blinds by one-half hour before opening shooting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first-come basis.
- 3) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
- c) Hunting from stationary blinds will be permitted at the above areas with the following exceptions:
- 1) AMAX Leased Lands - no permanent blinds may be built. Temporary blinds only - 200 yards apart.
- 2) Boston Bay, Mississippi River Pool 18 - no permanent blinds may be built. Temporary blinds only - 200 yards apart.
- 2+3) Mississippi River Pools 16-18 - scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 Yards from a permanent duck blind or in areas posted as closed to scull hunting.
- 3+4) Savanna Ordnance Depot - scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 Yards from a permanent duck blind or in areas posted as closed to scull hunters.
- 4+5) Red's Landing - all area north of access road will be a walk-in area.
- d) Special access restrictions are at the following sites:
- Savanna Ordnance Depot (boat access only)
- e) No more than 4 persons shall occupy a blind at one time except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Savanna Ordnance depot.
- f) Previous year's blind builders shall have until the date listed in parentheses of the following year to salvage materials from blind sites. After this date, all

materials will become the property of the Department or the new blind builder, as determined by the site manager, except as noted in parentheses.

Chain O'Lakes ~~blind-drawing date~~ 7 days after current year's drawing, except blind numbers 23, 24, 25, 26 and 27 must be removed in their entirety by May 1.)

Des Plaines River (blind drawing date)

Fuller Lake (7 days after the current year's drawing)  
Hembold Slough (7 days after the current year's drawing)

Illinois River Pool 26 (7 days after the current year's drawing)

Kankakee River (February 1)

Lake Sinnissippi (blind drawing date; after May 1 the Department reserves the right to remove any blinds or parts thereof that it deems necessary for reasons such as but not limited to, hazards to navigation, interference with canal feeder or access and hazards to recreational boating)

Marshall County Conservation Area - Sparland Unit (February 1)  
Meredosia Lake - Cass County Portion Only (February 1)

Mississippi River Pools 16, 17, 18 (the next season's blind drawing date)

Mississippi River Pools 21, 22, 24, 25, 26, (7 days after the current year's drawing)

Pekin Lake (the blind drawing date)

Piasa (7 days after the current year's drawing)

Red's Landing (7 days after the current year's drawing)

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Riprap Landing (7 days after the current year's drawing)

Savanna Ordnance Depot (blind drawing date)

Starved Rock State Park (February 1)

William Powers (February 1)

g) Blind sites will be allocated for the period as noted by a public drawing at:

Chain O'Lakes (1 year)

Des Plaines River (1 year)

Kankakee River (1 year)

Lake Sennissippi (1 year)

Marshall County Conservation Area - Sparland Unit (1 year)

~~Mercedia-Lake—Cass-County-Portion-Only (1 year)  
mail-in-drawing-to-be-conducted-at-District-Office  
date-and-proceedures-to-be-publicly-announced~~

Mississippi River Pools 16, 17, 18, 22, 24, (2 years)

Mississippi River Pool 21 (1 year)

Mississippi River Pools 25, 26 (3 years)

Pekin Lake (1 year)

Savanna Ordnance Depot (1 year)

Starved Rock State Park (1 year)

William Powers (1 year)

h) Re-registration Process for "2 year" and "3 year" Blind Allocation Sites.

1) Mississippi River Pools 16, 17, and 18

In those years when blind sites are allocated by

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re-registration, at least one of last year's registered blind builders from each blind site must mail or phone in notice to re-register that blind site. Failure to re-register during the publicly announced prescribed period will result in loss of blind site.

2) Mississippi River Pools 21, 22, 24, 25 and 26

In those years when blind sites are allocated by re-registration, at least one of last year's registered blind builders from each blind site must be present in order to re-register that blind site. Registrant must be over 16 years of age and have in his possession the current year's Illinois hunting license for himself and his blind partners. Failure to re-register during prescribed period will result in loss of blind site.

3) Blind builders may not be added or transferred to another blind after the initial blind registration has occurred.

## Fishing restrictions

1) On Mississippi River Pools 16, 17, 18, fishing will be permitted on the area with the exception that no person shall engage in fishing within 200 yards of an occupied waterfowl blind during the regular waterfowl season.

2) At William Powers, fishing from boats during waterfowl season is unlawful. Fishing from the shore in areas posted as waterfowl hunting areas during waterfowl hunting season is unlawful.

3) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned by January 15 or the blind builder and partners for that blind will not be allowed to be a blind builder or partner at these sites for the following year.

Chain of Lakes State Park

Des Plaines Conservation Area

Kankakee River State Park

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William Powers Conservation Area

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting

a) Sites covered in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.30), except as noted in the remainder of this Section. These sites are:

Braidwood LakeCampbell Pond Wildlife Management AreaCarlyle Lake Wildlife Management AreaClinton Lake State Recreation AreaCrab Orchard RefugeDog Island Wildlife Management AreaDonnelley State Wildlife AreaFox Ridge State ParkFt. de Chartres Historic SiteHeidecke State Fish and Wildlife Area and Powerton LakeHorseshoe Lake Conservation Area (Alexander County)  
Public Hunting Area (other than Permit area)Horseshoe Lake State Recreation Area (Madison County)Kaskaskia River Fish and Wildlife AreaKidd Lake State Natural Area (no permanent blinds allowed)Kinkaid Lake Fish and Wildlife AreaLake ShelbyvilleLake Shelbyville Fish and Wildlife Management AreaLaSalle Fish and Wildlife AreaLittle Black Slough State Natural AreaLower Cache River State Natural AreaMermet Lake Conservation AreaMississippi River Area Fish and Wildlife AreaPike County Conservation AreaPowerton Lake (Regulations combined with Heidecke Lake)Rend Lake Wildlife Management AreaRice Lake Conservation AreaSaline County Conservation AreaSanganois Conservation AreaSangchris Lake State ParkShawnee National Forest, Bluff LakeShawnee National Forest, LaRue Scatters  
Shawnee National Forest, Oakwood Bottoms (West of the Big Muddy Levee)Stephen A. Forbes State ParkTen Mile Creek State Fish and Wildlife AreaTurkey Bluffs Fish and Wildlife Area (All hunters must sign in and out and report kill; no permanent blinds allowed)Union County (firing line Waterfowl Management Area)

b) Site specific regulations

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- 1) Braidwood Lake
- A) Definitions:
- i) Boat blind (water blind) - a portable form of boat which must be completely concealed (including final brushing) before entering the area.
  - ii) Water blind site - a position within 50 yards of a numbered stake or buoy, or a position between two like-numbered buoys, where a blind may be located.
  - iii) Daily draw - procedure by which blinds or blind sites are allocated daily.
  - iv) Refuge - an inviolate area on which all hunters and the general public may not trespass.
- B) Waterfowl hunting will be permitted on Department leased or managed lands and waters only at designated blind sites.
- C) Water blind sites will be determined by the Department of Conservation and marked with a numbered stake or buoy.
- D) Blind sites will be allocated on a daily draw basis conducted at the check stations 90 minutes before sunrise. Hunters shall register as parties for the drawing; each party drawn will be allowed to select blind site in order drawn; only those hunters registered in party will be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- E) Blind sites not selected during the drawing will be allocated on a first-come, first-served basis. Vacant blind sites will be allocated 90 minutes after legal shooting time. No blind sites will be allocated after 9:00 a.m.
- F) Hunters wishing to move to another blind site must report this move to the check station

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- attendant, in person, before such a move, except that after 10:00 a.m. daily, hunters may move to a vacant blind site without notifying attendant, but such a move must be reported when checking out.
- G) Hunting will be from boat blinds only.
- H) Access to blind sites will be by boat only and from designated boat launch sites.
- I) No more than 3 persons shall use one blind. Portable boat blinds must have been completed, including final brushing, before entering the area, and be removed at the end of each hunting day.
- J) Daily shooting hours will be legal opening time to 12:00 Noon. Upon vacating blinds, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged will be checked in and displayed to the station operator and hunting licenses returned.
- K) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- L) No unauthorized pits or blinds will be built on Department leased or managed land or water.
- M) Braidwood Lake will be closed to all fishing and boat traffic from 2 weeks prior to duck season through the day before duck season. Braidwood Lake will be closed to all fishing during the regular waterfowl seasons.
- N) No hunting will be allowed on Monday and Tuesday.
- O) Layout boats approved in advance by the site superintendent will be permitted. A layout boat is defined as a non-motorized, flat bottom, low profile boat in which the sides are continuous with the front deck and slope inward toward the opening rather than the usual outward slope. Such layout boats must be attended at all times by a nonhunting tender

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boat that is at least 16 feet with a 60 inch beam. Layout boats are restricted to open water blind sites. Tender boats must anchor as close as possible to the designated tender boat location.

P) No guns may be carried from water blinds to retrieve waterfowl that fall on land.

Q) Hunting is closed on Christmas Day.

R) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.

S) It is unlawful to shoot across any dike.

T) Waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting during the September goose season is permitted.

U) In the event of adverse water and/or weather conditions, such as flooding, high winds, or heavy fog, hunting will be prohibited.

2) Campbell Pond Wildlife Management Area

All blinds must be of a portable nature and constructed with natural vegetation at the blind site and must be removed or dismantled at the end of the day's hunt.

2+3) Waterfowl Hunting Regulations for Carlyle Lake Lands and Waters

A) Shooting hours for waterfowl are statewide opening hour until 1:00 p.m.

B) Waterfowl and coot hunting will be permitted except in clearly posted refuge areas or developed recreation areas, or within 500 feet of construction sites or developed recreation areas.

C) No permanent blinds, goose pits, or other structural works may be constructed or dug on State managed lands at any time, except that

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the U.S. Army Corps of Engineers may build permanent blinds for disabled or handicapped hunters. All other blinds must be portable in nature or constructed of natural vegetation located at the blind site, and must be removed at the end of the day's hunt.

D) It is unlawful to enter the subimpoundment area during the 3 days prior to the opening of waterfowl hunting season. No one may enter the subimpoundment area before 3:00 a.m. each day of the duck hunting season, and no one may remain in the area after 3:00 p.m. each day of the duck hunting season. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4.

E) No one may enter or remain on the waters of Carlyle Lake from 12:00 a.m. (midnight) to 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunter may remain in the area after 3:00 p.m. each day of the waterfowl hunting season. The waters of Carlyle Lake include the lake and that portion of the Kaskaskia River, northfork, eastfork and Hurricane Creek that are within the boundaries of the Carlyle Lake property.

F) It shall be unlawful to be in possession of firearms on the waters of Carlyle Lake after 3:00 p.m. each day during the waterfowl hunting season and 24 hours prior to the opening day of waterfowl hunting season.

G) Only walk-in hunting will be permitted in the subimpoundment areas. No flotation devices capable of floating a man are allowed. When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department of Conservation personnel will post that the area is open to boats. Boats are allowed only at these times in the subimpoundment areas.

H) Only waterfowl and coot hunting are allowed in

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the subimpoundment area during the duck hunting season. On the day following the close of duck season to the close of goose season, the following areas in the Carlyle subimpoundment will be refuge. All of compartments 3 and 4 and that portion of compartment 2 that lies 200 yards south of levee B where the levee runs east and west, and 200 yards west where the levee turns and runs north and south.

- I) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season.
- J) A minimum of 200 yards shall be maintained between waterfowl hunting parties. (A hunting party shall be defined as an individual, or group of hunters occupying a single boat, blind, or hunting site).
- K) No person shall tamper or attempt to manipulate any of the gates, pumps, or structures in the subimpoundment area.
- L) No motor driven vehicles are allowed in the subimpoundment area except those operated by Department of Conservation or Corps of Engineers personnel.
- M) The lands and waters lying south of a line from the south side of the mouth of Coles Creek on the east side of Carlyle Lake to the south side of the mouth of Allen Branch on the west side of Carlyle Lake is a designated waterfowl refuge and is closed to hunting.
- N) East Side Management Area from Cox Bridge to the north and east boundary of the State managed land is open to hunting of other species (that are in season) during the waterfowl hunting season. Subimpoundment area waterfowl regulations apply in this area for waterfowl hunting. Statewide and site specific regulations apply for other species.
- O) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting

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season at the nearest registration box located at access parking lot. All hunters must sign out and record their harvest at the end of each day's hunt..

**2+4) Clinton Lake**

- A) Hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of following year or hunting privileges for following season will be forfeited.
- B) Hunting is allowed only from anchored portable boat blinds except no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern most point of the central peninsula to the Davenport Bridge, and within 200 yards of developed recreation areas, construction and industrial sites, or within 300 yards of electrical power lines.
- C) Hunting parties must maintain a minimum distance of 200 yards apart.
- D) No more than 3 persons shall occupy or use a portable boat blind.
- E) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of each hunting day.
- F) Each hunting party is required to hunt over a minimum of 12 decoys.
- G) Dog Island Wildlife Management Area
- H) All blinds must be of a portable nature and constructed with natural vegetation at the blind site and must be removed or dismantled at the end of the day's hunt..

**3+6) Donnelley State Wildlife Area**

- A) Hunting is prohibited on Tuesdays and Wednesdays.

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- B) Hunting hours are from sunrise to 12 Noon.
- C) Goose hunting is prohibited after the close of the duck season.
- D) All hunting will be from designated blinds only. Refilling or changing blinds is not permitted.
- E) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.
- F) \$5 daily usage stamp must be purchased to hunt this area.
- G) No outboard motors are allowed by public - only by authorized DOC personnel.
- H) No more than 3 persons shall occupy a blind at any one time.
- I) All parties are required to report to check station within 1 hour after termination of hunt or no later than 1 p.m.
- J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys which must be removed upon the termination of the hunt.
- K) The first weekend and the third Saturday of the waterfowl season will be designated as youth hunt days. This will consist of youth or youths 15 and under plus one adult per blind. There will be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.
- L) One blind will be made available by priority claim to "disabled" persons (as defined in Ill. Rev. Stat. 1987, ch. 61, par. 2.33).
- 471 Fox Ridge State Park
- A) Hunting restricted to Embarras River and its

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- flood waters.
- B) No permanent blinds of any kind or other structural works are permitted.
- C) No pits shall be dug, built or occupied.
- 5781 Fort de Chartres Historic Site
- A) No check station.
- B) Hunting is allowed from anchored, portable boat blinds only on a first-come, first-served basis; no permanent blinds allowed.
- C) Portable boat blinds must have been completed, including final brushing, before entering the area and must be removed at the end of each hunting day.
- D) Hunting parties must maintain a minimum distance of 200 yards apart.
- E) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.
- F) No hunting is allowed during firearm deer season.
- 6791 Heidecke State Fish and Wildlife Area and Powerton Lake
- A) Definitions:
- i) Boat blind (water blind) - a portable form of boat which must be completely concealed (including final brushing) before entering the area. The boat blind and all blind materials will be removed at the end of each hunting day.
- ii) Water blind site - a position within 10 yards of a numbered stake or buoy where a blind may be located.
- iii) Daily draw - procedure by which blinds or blind sites are allocated daily.

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- iv) Refuge - an inviolate area on which all hunters and the general public may not trespass.
- B) Waterfowl hunting will be permitted on Department leased or managed lands and waters only at designated blind sites.
- C) Water blind sites will be determined by the Department of Conservation and marked with a numbered stake or buoy.
- D) Blind sites will be allocated on a daily draw basis conducted at the check stations 90 minutes before sunrise. At Heidecke Lake hunters shall register as parties for the drawing; each party drawn will be allowed to select blind site in order drawn; only those hunters registered in party will be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- E) Blind sites not selected during the drawing will be allocated on a first-come, first-served basis. Vacant blind sites will not be allocated after the drawing until one hour after legal shooting time. No blind sites will be allocated after the drawing until one hour after legal shooting time. No blind sites will be allocated after 10:00 a.m.
- F) Hunters wishing to move to another blind site must report this move to the check station attendant, in person, before such a move.
- G) Hunting will be from boat blinds only.
- H) Access to water blind sites will be by boat only and from designated boat launch sites.
- I) All water hunting must be from portable blind, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind. Portable boat blinds must have been completed, including final brushing, before

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entering the area, and be removed at the end of each hunting day.

- J) Daily shooting hours will be legal opening time to 12:00 Noon. Upon vacating blinds, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged will be checked in and displayed to the station operator and hunting licenses returned.
- K) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- L) No unauthorized pits or blinds will be built on Department leased or managed land or water.
- M) Heidecke Lake will be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of the waterfowl season. Powerton Lake will be closed to boat traffic from October 1 to February 15, except for legal waterfowl hunters; and closed to all unauthorized entry during the waterfowl season.
- N) No hunting will be allowed on Monday and Tuesday at Heidecke Lake. No hunting will be allowed at Powerton Lake on Monday through Thursday except hunting will be permitted on State holidays.
- O) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam; however, layout boats approved in advance by the site superintendent will be permitted. A layout boat is defined as a nonmotorized, flat bottom, low profile boat in which the sides are continuous with the front deck and slope inward toward the opening rather than the usual outward slope. Such layout boats must be attended at all times by a nonhunting tender boat that is at least 16 feet with a 60 inch beam. Layout boats are restricted to open water blind sites. Tender boats must anchor as close as possible to the center dike.

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- P) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
- Q) Hunting is closed on Christmas Day.
- R) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
- S) It is unlawful to shoot across any dike at Heidecke Lake.
- T) Waterfowl hunting will close with the conclusion of the duck season at Powerton Lake. At Heidecke Lake waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting during the September goose season is permitted at Heidecke Lake.
- U) In the event of adverse water and/or weather conditions, such as flooding, high winds, or heavy fog, hunting will be prohibited.

7+10 Horseshoe Lake (Alexander County) Public Hunting Area (other than permit area)

The refuge area shall be defined as all State owned land and those areas adjacent within the tract of land hereinafter described: Beginning at the intersection of State Highway No. 3 and the Olive Branch-Miller City Road, thence in southerly direction to the intersection of the Olive Branch-Miller City Road and the Promised Land Road, thence easterly to the intersection of the Promised Land Road and Old Highway No. 3, thence northwesterly to intersection of Old Highway No. 3 and State Highway No. 3 and thence northwesterly along State Highway No. 3 to point of beginning at Olive Branch.

8+11 Horseshoe Lake State Recreation Area (Madison County)

- A) A pothole cleared of all weeds and brush for a 40 yard radius is required around all blind sites.
- B) Blinds must be completed, including final

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- brushing, 4 weeks in advance of the opening date of waterfowl season, after which time the Department of Conservation will inspect all blinds and blind sites and issue blind registration cards to those which pass inspection.
- C) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, and have failed the inspection pursuant to Section 590.30(e), will be given one week to correct deficiencies. Blinds failing the second inspection will be reassigned to alternates selected at a drawing or by a first-come allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, in advance of the opening date of the waterfowl season.

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## Kaskaskia River Fish and Wildlife Area

- A) Shooting hours are statewide opening hour until 1:00 p.m. during the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal shooting hours shall be from statewide opening hour until statewide closing hour. Goose hunting hours end at 1:00 p.m.
- B) All waterfowl hunting parties must use at least 12 decoys and hunt at least 200 yards from the next hunting party.
- C) No permanent blinds will be allowed on the area. No one has any prior claim or right to any blind site. First-come, first-served rule prevails. Blinds shall be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of each day's hunt.
- D) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.

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- E) No one under 16 years of age shall hunt or attempt to hunt on the area unless accompanied by an adult due to safety factors.
- F) The following regulations apply to the Doza Creek Waterfowl Management Area:
- i.) This area will be closed to all public use 3 days prior to waterfowl hunting season. No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.
  - ii.) Waterfowl, coot and archery deer hunting only will be allowed in this area during the duck hunting season.

10-13 Lake Shelbyville

It is unlawful for any unauthorized persons to enter a duly posted restricted area.

11-14 Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

- A) Waterfowl hunting will be permitted as described below except in duly posted restricted and "No Hunting" areas.
- B) Waterfowl hunting in the Fish Hook-Waterfowl Area, the North Dunn, the McGee Waterfowl Areas, and the Jonathan Creek Waterfowl Areas will be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Drawings will be conducted at each area. Parties will register for drawings between 4:00 a.m. and 5:00 a.m. Central Daylight Time (3:00 a.m. and 4:00 a.m. Central Standard Time) on those days. Each party drawn will be allowed to choose one of the staked sites in the waterfowl area. Parties will select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations will apply:
- i.) All parties must hunt within 10 yards of their assigned stake.

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- E) All parties must be in place by one-half hour before shooting time.
- F) All parties are required to report their harvest by 2:00 p.m. following each hunt.
- G) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas will be restricted to designated, staked sites on a first-come, first-served basis except as noted in subsections (A) and (B) above. A hunting party must hunt within 10 yards of the stake.
- H) Daily shooting hours will be from legal opening to 1:00 p.m.
- I) Waterfowl hunters must maintain a distance of 200 yards between parties except as described in subsection (B) above. (A hunting party shall be defined as an individual or group of hunters occupying a single boat, blind, or hunting site).
- J) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys. The building of permanent blinds of any kind or other structural works is prohibited. All blinds must be of a portable nature or constructed with natural vegetation located on the blind site and must be removed or dismantled at the end of the day's hunt.
- K) No goose pits shall be built or dug.
- L) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.
- M) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.

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- K) During the regular waterfowl season, no bank or boat fishing will be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from one-half hour before sunrise until 1:00 p.m.
- 427151 Little Black Slough
- A) No permanent blinds or pits may be constructed or dug at any time. All blinds must be of a portable nature or be established with natural vegetation and must be removed or dismantled at the end of the day's hunt. Cutting of live trees and shrubs on the area is prohibited.
- B) Dedicated Nature Preserve areas are closed to hunting.
- 437161 Lower Cache River State Natural Area
- A) No permanent blinds or pits may be constructed or dug at any time. All blinds must be of a portable nature or be established with natural vegetation and must be removed or dismantled at the end of the day's hunt. Cutting of live trees and shrubs on the area is prohibited.
- B) Dedicated Nature Preserve areas are closed to hunting.
- 447 Meredosia Lake—Cass County Portion Only  
~~All boat traffic is prohibited from entering the waterfowl season until the season closes.~~
- 457171 Mennet
- A) Waterfowl hunting will be permitted only during the duck hunting season.
- B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to deposit their hunting licenses and register at the check station prior to entering the area.
- 467181 Mississippi River Area Fish and Wildlife Area
- A) A pothole cleared of all weeds and brush for a 40 Yard radius is required around all blind sites.
- B) Blinds must be completed, including final brushing, 4 weeks in advance of the opening date of waterfowl season, after which time the Department of Conservation will inspect all blinds and blind sites and issue blind

Individuals who wish to use the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds will be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.

- C) The daily drawing shall be held one hour prior to legal shooting time.
- D) All members of the hunting party shall register as a group (not to exceed 4 people per group) for the purpose of the drawing.
- E) Those hunters in the blind area shall park in designated areas. These parking areas will be numbered to correspond with particular blind sites located along the levee road.
- F) In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.
- G) Deer, squirrel and woodcock may not be taken in the waterfowl areas after the opening of the waterfowl season.
- H) Daily hunting hours shall be the legal opening until 12:00 Noon local time.
- I) All boats are prohibited from entering the duly posted waterfowl refuge (Main Lake) from October 1 until the close of the waterfowl season.

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Individuals who wish to use the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds will be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.

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registration cards to those which pass inspection.

- C) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, and have failed the inspection pursuant to Section 590.60(e), will be given one week to correct deficiencies. Blinds failing the second inspection will be reassigned to alternates selected at a drawing on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, in advance of the opening date of the waterfowl season.

17-19) Pike County Conservation Area

Statewide season regulations apply except that the season closes November 30 or the legal statewide closing, whichever is earlier, in Area A.

18-20) Rend Lake-Wildlife Management-Area

- A) All blinds must be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.
- B) No goose pits or permanent blinds shall be dug or built on State lands.
- C) All waterfowl hunters and all boats must be out of the subimpoundments Wildlife Management Areas by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m.
- D) No hunting will be permitted from the subimpoundment dams.
- E) No waterfowl hunting will be permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.
- F) The distance between waterfowl hunting parties shall be no less than 200 yards. (A hunting party shall be defined as an individual or group of hunters occupying a single boat,

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## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

blind, or hunting site).

- G) All boat traffic is prohibited from entering the duly posted waterfowl refuge and the subimpoundments from 2 weeks before waterfowl season until March 1.
- H) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
- I) All waterfowl hunting along an east-west line running 200 yards north of the Casey Fork Subimpoundment Dam will be within 10 feet of staked locations.
- J) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- K) Daily shooting hours for waterfowl will be from legal opening time to 1:00 p.m.
- L) The land portion of the Rend Lake Refuge is closed to trespassing at all times. The location of the Rend Lake Refuge is described as follows:
- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
  - ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
  - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
  - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
- v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork

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Subimpoundment Dam.

vi) Bounded on Nason Point by refuge boundary signs at project limits.

M) It shall be unlawful to be in possession of firearms on the waters of Rend Lake between the hours of 2:00 p.m. and 4:30 a.m. each day of the waterfowl hunting season and for 24 hours prior to the opening day of waterfowl hunting season.

19+21) Rice Lake (Walk-in and Copperas Creek Management Units)

A) Hunting will be alternated between units every other day beginning with opening day at the walk-in unit, and shall be limited to 20 hunters per day.

B) Hunters shall be determined by a daily drawing at the designated check station.

C) Shooting hours shall be from legal opening time until 12:00 Noon. Statewide bag and possession limits apply on this area.

20+22) Saline County Conservation Area

A) Waterfowl hunting is allowed north of the township road only.

B) Walk-in hunting only.

21+23) Sanganois

A) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.

B) Walk-in waterfowl hunting will be permitted only in the area posted for this purpose.

C) All hunters using this area must report to the check station to fill out information cards and

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to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.

D) Upon the completion of hunting, hunters must report to the check station within one hour.

E) Fishing is prohibited in the impoundment areas during the waterfowl season.

F) No person shall trespass on the Barkhausen Refuge during the period from October 1 through December 31.

G) No person shall trespass on the Marion-Pickerel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.

H) Walk-in area legal opening until 12:00 noon during duck season. When the central zone goose season extends beyond the duck season, goose hunting will be permitted with statewide shooting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.

22+24) Sangchris Lake State Park

A) Hunting hours are legal opening until 12:00 Noon.

B) Hunters will participate in daily drawing commencing 2 hours prior to sunrise. Blind sites not selected during the drawings will be allocated on a first-come, first-served basis. Vacant blind sites will not be allocated until 9:00 a.m. Further, no blind sites will be allocated after 10:00 a.m.

C) All hunting will be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.

D) Upon vacating their blinds, hunters must place

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their completed harvest cards in the collection boxes located at either the east or west boatdock.

- E) There will be a duly posted waterfowl refuge located at the north end of the lake that will include all waters of the lake located north and at right angles to (in an east and west direction) the peninsula created by the junction of the east and west arms. This area will be closed to all boat traffic and boat fishing during the duck season. Bank fishing along the dam will be permitted.
- F) A waterfowl refuge will be located on State land between the east and west arms of the lake. Additional refuges are located on waters from the junction of the center arm and the east arm of the lake north to the refuge area, the area adjacent to the power plant is utilized as a fly ash pond and the south portion of the west arm will be duly designated as inviolate areas.
- G) Waterfowl hunting will close with conclusion of duck season.
- H) No more than 4 persons shall occupy a blind at one time.
- I) Waterfowl hunting will be permitted on State leased lands and waters in the Sangchris Lake State Park area, except in duly posted refuge areas, developed recreation areas, a minimum of 300 yards from all high lines and 500 feet from construction or industrial sites. The center arm of the lake will be closed to all waterfowl hunting.
- J) Blind sites will be determined by the Department of Conservation and marked with a numbered stake. When it is deemed necessary, the Department of Conservation will remove, move or close blind sites in order to carry out the operations of the overall management program.
- K) Blind sites will be allocated on a daily draw

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- their completed harvest cards in the collection boxes located at either the east or west boatdock.
- L) Hunters wishing to move to another blind location may do so after 10 a.m. Providing they include the blind change on the harvest card and report their kill for each blind.
- M) Access to blind sites will be by boat only and from designated boat launch sites, the West Hill Boat Launch and the East Harbor Boat Launch. A corridor located north of the Middle Peninsula along the southern edge of the existing refuge will be established to provide access to the west arm of the Lake from the East Harbor Boat Launch when the West Hill Boat Launch is closed. Such notice of corridor use will be announced prior to the blind drawing for that day.
- N) All hunting must be from 1 portable blind or 1 anchored portable blind located within a numbered cove and between the assigned numbered stakes. Portable blinds or boat blinds must have been completed, including final brushing, before entering the area, and removed at the end of each hunting day. Cutting of natural vegetation for any purpose will be unlawful.
- O) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- P) No pits or blinds will be built on State leased or Commonwealth Edison land.
- Q) Blind sites: A position between two like numbered stakes within a cove where a blind may be located.
- R) Corridor - Water travel lane, during waterfowl season only, for boating back and forth to blind sites.
- S) Fishing will be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the waterfowl season.

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- T) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
- U) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Conservation will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- 23+25) Shawnee National Forest, Bluff Lake
- A) Goose hunting is prohibited.
- B) Shooting hours: legal opening until noon.
- C) No permanent blinds or other structures may be constructed on the site.

- 24+26) Shawnee National Forest, LaRue Scatters
- A) All hunting will be by walking in or in boats without motors.
- B) Shooting hours for all species in this area shall close at 12:00 Noon local time, except bow hunting for deer shall be permitted in accordance with statewide deer hunting hours (17 Ill. Adm. Code 670).
- C) Permanent blinds shall not be constructed in this area and all equipment used in the taking of waterfowl must be removed at the end of each hunting day.

- 25+27) Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)
- A) All hunting will be by walking into the area.
- B) Shooting hours for all species on this area shall close at 12:00 Noon local time, except bow hunting for deer shall be permitted in accordance with Statewide deer hunting hours (17 Ill. Adm. Code 670).
- C) Permanent blinds shall not be constructed in

- this area and all equipment used in the taking of waterfowl must be removed at the end of each hunting day.
- D) Each hunting party will be required to hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
- E) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the sub-impoundment area.
- 26+28) Stephen A. Forbes
- A) Daily hunting hours are legal open to 1:00 p.m.
- B) On the main lake hunting is allowed from a boat blind only and must be within 100 yards of a staked location.
- C) Only walk-in hunting is allowed in the sub-impoundment. Hunting must occur within 100 yards of a staked location.
- D) Hunting will be allowed on a first-come, first-served basis. All hunters must use 12 decoys, minimum.
- 29) Ten Mile Creek Fish and Wildlife Area
- A) Permit required.
- B) All blinds must be of portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.
- C) No goose pits or permanent blinds shall be dug or built on State lands.
- D) The distance between waterfowl hunting parties or blind sites shall be no less than 200 yards.
- E) Waterfowl hunters must obtain permit prior to hunting.
- F) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and

## NOTICE OF PROPOSED AMENDMENTS

all decoys must be picked up at the end of each day's hunt.

G) It is unlawful to possess or use toxic (lead) shot in any gauge shotgun shells for hunting waterfowl.

H) Areas designated as REFUGE are closed to all access during the Canada Goose Season only. REFUGE designation has been given to all land in Unit I, and the 260 acre tract at the Western edge of Unit II.

27-301 Union County (Firing Line Waterfowl Management Area)

A) It shall be unlawful to take a gun beyond the posted boundary while retrieving crippled geese.

B) This area will be closed at 12 noon during the goose season.

C) Hunters may not possess more than 10 shells nor shot larger than size T until January 1. During the January Goose Season, hunters may possess up to 15 shells with shot not larger than size T steel.

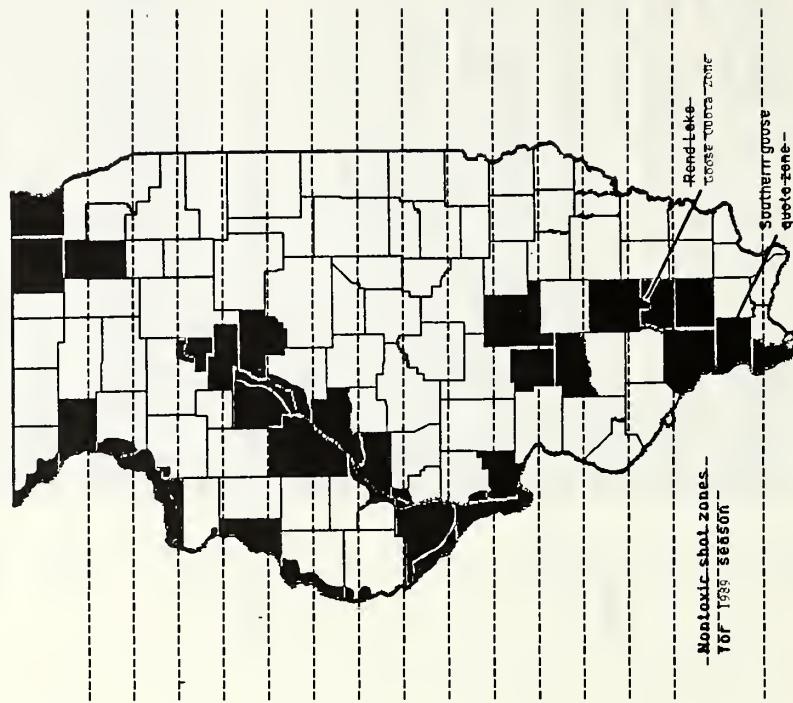
D) Waterfowl hunting from staked sites only.

(Source: \_\_\_\_\_ )

Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_

## NOTICE OF PROPOSED AMENDMENTS

EXHIBIT A The Non-Toxic Shot Zones of Illinois



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

## EXHIBIT A The Non-Toxic Shot Zones of Illinois



Non-toxic shot zones  
for 1990-91 season

## NOTICE OF PROPOSED AMENDMENTS

## EXHIBIT A The Non-Toxic Shot Zones of Illinois

- 1) Heading of the Part:  
Food Service Sanitation Code
- 2) Code Citation: 77 Illin. Adm. Code 750
- 3) Section Numbers:  
750.540  
750.551  
750.560
- 4) Statutory Authority:  
AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 67 et seq.)
- 5) Proposed Action:  
Amendment  
New Section  
Amendment

"AN ACT providing for the enforcement of certain state and local food handling and health regulations." (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 331 et. seq.). As amended by P.A. 86-704, effective January 1, 1990.

The Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 501 et seq.)

5) A Complete Description of the Subjects and Issues Involved:

The Department proposes to incorporate a fee structure as mandated by P.A. 86-704. New or renewed Food Service Sanitation Manager Certification certificates, which are valid for five (5) years, have a fee of \$35. Replacement Food Service Sanitation Manager Certification certificates have a fee of \$10.

The Department proposes to clarify the dates all new, renewed, and duplicate certificates are issued as well as their expiration date. In addition, the Department proposes to require that the Food Service Sanitation Manager Certification certificate, not just the certificate number, be present in the food service facility.

Two segments of the existing Food Service Sanitation Code, 750.560(a) and 750.560(b) (77 Illin. Adm. Code 750) address the issuance of certificates. Section 750.560 is titled "Certificate Revocation or Suspension." These two segments are being deleted from 750.560 and added to the proposed new Section 750.551 "Certificate Issuance."

(Source: Amended at 14 Illin. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.  
7) Does this Rulemaking Contain an Automatic Repeal Date? No.  
8) Does this Rulemaking Contain Any Incorporations By Reference? No.  
9) Are there any other Proposed Amendments Pending on this Part? No.  
10) Statement of Statewide Policy Objectives:

The Food Service Sanitation Manager Certification program has been in existence since 1974. The resulting certificates have been issued by the Department at no cost to the participant. This proposal implements a fee base for the certificates as mandated in P.A. 86-704.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:  
March 14, 1990

- B) Type of Small Businesses Affected:  
Food service operations and food service operators.

- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:  
Submittal of a pre-printed form and a \$35 fee for original or renewed, five (5) year certificate and submittal of a request with a \$10 fee for replacement certificates.

## DEPARTMENT OF PUBLIC HEALTH

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**TITLE 77: PUBLIC HEALTH**  
**CHAPTER I: DEPARTMENT OF PUBLIC HEALTH**  
**SUBCHAPTER m: FOOD, DRUGS AND COSMETICS**

**PART 750**  
**FOOD SERVICE SANITATION CODE**

**SUBPART A: GENERAL PROVISIONS****SUBPART B: FOOD SUPPLIES**

SECTION	
750.100	General
750.110	Special Requirements
750.120	General - Food Protection
750.130	General - Food Storage
750.140	Refrigerated Storage
750.150	Hot Storage
750.155	Damaged Food Containers
750.160	General - Food Preparation
750.170	Raw Fruits and Raw Vegetables
750.180	Cooking Potentially Hazardous Foods
750.190	Dry Milk and Dry Milk Products
750.200	Liquid, Frozen, Dry Eggs and Egg Products
750.210	Reheating
750.220	Nondairy Products
750.230	Product Thermometers
750.240	Thawing Potentially Hazardous Foods
750.250	Food Display and Service of Potentially Hazardous Food
750.260	Display Equipment
750.270	Reuse of Tableware
750.280	Dispensing Utensils
750.290	Ice Dispensing
750.300	Condiment Dispensing
750.310	Milk and Cream Dispensing
750.320	Re-Service
750.330	General - Food Transportation

**SUBPART D: EQUIPMENT AND UTENSILS**

SECTION	
750.510	General - Personal Cleanliness
750.520	General - Clothing
750.530	General - Employee Practices
750.540	Management Sanitation Training and Certification
750.550	Management Sanitation Certification Examination (Repealed)
750.551	Certificate Issuance
750.560	Certificate Revocation or Suspension

**SUBPART E: CLEANING, SANITIZING, AND STORAGE OF EQUIPMENT AND UTENSILS**

SECTION	
750.600	General - Materials
750.610	Solder
750.620	Wood
750.630	Plastics
750.640	Mollusk and Crustacea Shells
750.650	General - Design and Fabrication
750.660	Accessibility
750.670	In-Place Cleaning
750.680	Thermometers
750.690	Non-Food-Contact Surfaces
750.700	Ventilation Hoods
750.710	General - Equipment Installation and Location
750.720	Table-Mounted Equipment
750.730	Portable Equipment
750.740	Floor-Mounted Equipment
750.750	Aisles and Working Spaces

SECTION	
750.800	Cleaning Frequency
750.810	Wiping Cloths
750.820	Manual Cleaning and Sanitizing
750.830	Mechanical Cleaning and Sanitizing
750.840	Drying
750.850	Equipment, Utensil, and Tableware Handling
750.860	Equipment, Utensil, and Tableware Storage
750.870	Pre-Set Tableware
750.880	Single-Service Articles
750.890	Prohibited Storage Area

**SUBPART C: PERSONNEL**

SECTION	
750.1000	General - Employee Health

**SUBPART F: SANITARY FACILITIES AND CONTROLS**

SECTION	
750.1010	General - Water Supply

DEPARTMENT OF PUBLIC HEALTH

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- 750.1020 Bottled Water  
750.1030 Water Under Pressure  
750.1040 Steam  
750.1050 General - Sewage Disposal  
750.1060 General - Plumbing  
750.1070 Nonpotable System  
750.1080 Backflow  
750.1090 Grease Traps  
750.1100 Drains  
750.1110 General - Toilet Facilities  
750.1120 General - Lavatory Facilities  
750.1130 Containers - Garbage and Refuse  
750.1140 Garbage and Refuse Storage  
750.1150 Disposal of Garbage and Rubbish  
750.1160 General - Insect and Rodent Control  
750.1170 Protection of Openings Against Entrance of Insects and Rodents

SUBPART G: CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

SECTION

- 750.1200 General - Floors  
750.1210 General - Walls and Ceilings  
750.1220 General - Cleaning Physical Facilities  
750.1230 General - Lighting  
750.1240 Protective Light Shielding  
750.1250 General - Ventilation  
750.1260 Special Ventilation  
750.1270 Dressing Areas  
750.1280 Lockers  
750.1290 Poisonous or Toxic Materials Permitted  
750.1300 Labeling of Poisonous or Toxic Materials  
750.1310 Storage of Poisonous or Toxic Materials  
750.1320 Use of Poisonous or Toxic Materials  
750.1330 Personal Medications  
750.1340 First-Aid Supplies  
750.1350 General - Premises  
750.1360 Living Areas  
750.1370 Laundry Facilities  
750.1380 Linens and Clothes Storage  
750.1390 Cleaning Equipment Storage  
750.1400 Animals

SUBPART H: MOBILE FOOD SERVICE

- SECTION  
750.1500 General - Mobile Food Units  
750.1510 Restricted Operation

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NOTICE OF PROPOSED AMENDMENTS

- 750.1520 Single-Service Articles  
750.1530 Water Systems  
750.1540 Waste Retention  
750.1550 Base of Operations  
750.1560 Servicing Area  
750.1570 Servicing Operations
- SUBPART I: TEMPORARY FOOD SERVICE
- 750.1600 General - Temporary Food Service Establishments  
750.1610 Restricted Operations  
750.1620 Ice  
750.1630 Equipment  
750.1640 Water  
750.1650 Wet Storage  
750.1660 Waste Disposal  
750.1670 Handwashing  
750.1680 Floors  
750.1690 Walls and Ceilings of Food Preparation Areas  
750.1700 Single-Service Articles

SUBPART J: FOODSERVICE SANITATION MANAGER CERTIFICATION

- 750.1800 General  
750.1810 Instructor Approval  
750.1815 Instructor Denial  
750.1820 Course Content  
750.1830 Course Approval  
750.1835 Make Up Work  
750.1836 Home Study  
750.1837 Course Waiver  
750.1838 Course Denial  
750.1840 Reciprocity  
750.1850 Certification Examination  
750.1860 Examination Notification  
750.1861 Class Enrollment Form  
750.1862 Administration of Examination  
750.1865 Monitors  
750.1868 Cheating  
750.1870 Re-test Class  
750.1876 Dictionary  
750.1880 Retake Examination  
750.1890 Certificates  
750.1895 Change of Address
- Appendix A Retail Food Sanitary Inspection Report  
Appendix B Examination Date Notification Form  
Appendix C Class Enrollment Form

## Appendix O Permission to Retake Certification Examination Form

**AUTHORITY:** Implementing the Illinois Food, Drug and Cosmetic Act (111. Rev. Stat. 1987, ch. 56 1/2, pars. 501 et. seq.), "AN ACT providing for the enforcement of certain state and local food handling and health regulations." (111. Rev. Stat. 1987, ch. 56 1/2, pars. 331 et. seq.) and "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (111. Rev. Stat. 1987, ch. 56 1/2, pars. 67 et. seq.) and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act (111. Rev. Stat. 1987, ch. 56 1/2, par. 521) and Section 11.1 of "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (111. Rev. Stat. 1987, ch. 56 1/2, par. 77.1).

**SOURCE:** Adopted December 23, 1975; amended at 2 Ill. Reg. 19, P. 180, effective May 3, 1978; old rules repealed and new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 1835, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819, effective January 30, 1989; amended at 13 Ill. Reg. 18888, effective December 1, 1989; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: FOOD SUPPLIES

## Section 750.540 Management Sanitation Training and Certification

- a) All food service establishments as defined in Section 750.10 shall be under the operational supervision of a certified manager or certified supervisor. As of January 1, 1991, there shall be a minimum of one certified supervisor at each establishment at all times food is handled. Until January 1, 1991, a minimum of one, full-time certified supervisor shall be required at each establishment; provided, however:

- 1) That new food service establishments shall have six (6) months from the initial day of operation to comply.
- 2) That food service establishments which are not in compliance because of employee turnover or other loss of certified personnel, shall have three (3) months from date of loss of certified personnel to comply.

## b) Certification shall be achieved by:

- 1) Successfully completing a department approved course and monitored examination offered by the Illinois Department of Public Health, the Educational Foundation (250 North Wacker Drive, Chicago, Illinois 60606), or the Educational Testing Service (1 Rotary Center, Suite 300, 1560 Sherman Avenue, Evanston, Illinois 60201.) An approved course and examination shall be in compliance with Subpart J of this Part, and
- 2) Payment to the Department of a \$35 certificate fee.

- c) Names and certificate numbers of certified personnel shall be maintained at the place of business and shall be made available for inspection.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 750.551 Certificate Issuance

- a) Original certificates issued under the Part shall:

- 1) be issued after this Department has received payment of a \$35 fee, and
- 2) have the issuance date as the date when the individual successfully completed the examination, and
- 3) expire five (5) years from the date of the original issuance.

- b) Replacement or duplicate certificates issued under this Part shall:

- 1) be issued after this Department has received payment of a \$10 fee, and
  - 2) have the same expiration date as the original certificate.
- c) Renewal certificates shall be issued by the Department at the written request of the certificate holder if the request and payment of a \$35 fee is received by the Department prior to the certificate's expiration date. Renewed certificates shall expire five years from the date of the original certificate's expiration date.

## NOTICE OF PROPOSED AMENDMENTS

- d) An individual with an expired certificate may attempt an approved and monitored Food Service Sanitation Manager Certification examination once within the six months after the expiration date of the original certificate. If the individual successfully completes the examination with a final score of 75 or higher and submits the applicable fee of \$35, a renewed certificate shall be issued in accordance with Section 750.551(c). If the individual does not successfully complete the examination with a final score of 75% or higher, they must complete an approved Food Service Sanitation Manager Certification course before attempting the examination again.

e) An individual with a certificate which has been expired for more than six (6) months must complete an approved Food Service Sanitation Manager Certification course before attempting the examination.

[Source: Added at 14 III. Reg. - effective

DEPARTMENT OF PUBLIC HEALTH

- a) Certificates-issued-under-this-part-expire-five-years-from-date-of issuance--Certificates-will-be-renewed-by-the-Illinois-Department-of Public-Health-at-the-request-of-the-Certificate-holder-if-received-by the-Department-prior-to-the-Certificate's-expiration-date.

b) An-individual-with-an-expired-Certificate-may-attempt-an-approved-and monitored-Food-Service-Sanitation-Manager-Certification-examination once-within-six-months-after-the-expiration-date-of-the-original Certificate--if-the-individual-does-not-successfully-complete-the examination-with-a-final-score-of-75-or-larger--they-must-complete-an approved-Food-Service-Sanitation-Manager-Certification-course-before attempting-the-examination-again.

<sup>21</sup> An anti-fascist of anti-fascism may be more

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|---------|-----------|--|
| 1030.30 | Amendment | 14 Ill. Reg. 179<br>(January 5, 1990)    |
| 1030.50 | Amendment | 14 Ill. Reg. 2530<br>(February 16, 1990) |
| 1030.55 | Amendment | 14 Ill. Reg. 2289<br>.                   |
| 1030.60 | Amendment | 14 Ill. Reg. 2530<br>(February 9, 1990)  |
| 1030.80 | Amendment | 14 Ill. Reg. 579<br>(January 12, 1990)   |
| 1030.84 | Amendment | 14 Ill. Reg. 2852<br>(February 23, 1990) |

(Source: Amended at 14 Ill. Reg.       , effective       )

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

- 1030.85 Amendment 14 Ill. Reg. 2289 (February 9, 1990)  
1030.91 New Section 13 Ill. Reg. 14344 (September 15, 1989)  
1030.92 Amendment 14 Ill. Reg. 2852 (February 23, 1990)  
1030.94 Amendment 14 Ill. Reg. 1902 (February 2, 1990)  
1030.95 Amendment 13 Ill. Reg. 16297 (October 20, 1989)
- 10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of Government.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Nancy Short  
Assistant Counsel to the Secretary  
2701 S. Dirksen Parkway  
Springfield, IL 62723  
217/782-3356

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

NOTICE OF PROPOSED AMENDMENT(S)

SECRETARY OF STATE

TITLE 92: TRANSPORTATION

CHAPTER II: SECRETARY OF STATE

PART 1030

ISSUANCE OF LICENSES

- Section 1030.10 What Persons Shall Not be Licensed or Granted Permits  
1030.11 Procedure for Obtaining a Driver's License  
1030.12 Cite for Re-examination  
1030.15 Classification of Drivers-References  
1030.20 Classification Standards  
1030.30 Classification of Trucks  
1030.40 Fifth Wheel Equipped Trucks  
1030.55 Commuter Van Driver Operating a For-Profit  
Ridesharing Arrangement  
1030.60 Employer Certification Program  
1030.63 Religious Exemption for Social Security Numbers  
1030.65 Instruction Permits  
1030.70 Driver's License Testing/Vision Screening  
1030.75 Driver's License Testing/Vision Screening With Vision Aid  
Arrangements Other Than Standard Eye Glasses or Contact Lens(es)  
1030.80 Driver's License Testing/Written Test  
1030.81 Endorsements  
1030.82 Vehicle Inspection  
1030.84 Vehicle Inspection/Road Test  
1030.85 Multiple Attempts/Road Test  
1030.86 Exemption of Facility Administered Road Test  
1030.88 Temporary Licenses  
1030.89 Requirement For Photograph and Signature of Licensee  
On Driver's License  
1030.92 Restrictions  
1030.93 Restricted Local Licenses  
1030.94 Duplicate or Corrected Driver's License or Instruction Permit  
1030.95 Consular Licenses  
1030.100 Anatomical Gift Donor  
1030.110 Emergency Medical Information Card  
1030.115 Change-of Address  
1030.120 Issuance of a Probationary License  
1030.130 Grounds for Cancellation of a Probationary License  
Appendix A Questions Asked of a Driver's License Applicant  
Appendix B Acceptable Identification Documents
- AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

The full text of the proposed rule begins on the next page.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Bold type denotes statutory language.**

## Section 1030.81 Endorsements

- a) For purposes of this Section, the following definitions shall apply:

"Commercial Driver's License (CDL)" - a driver's license issued by a State to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-500(3).)

"Commercial Motor Vehicle" - a motor vehicle having a GVWR of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations or the Secretary of State; or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle(s) being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

"Endorsement" - an indication on the driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Hazardous Material" - a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce. (49 U.S.C.A., Sec. 1802.)

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"Representative Vehicle" - a motor vehicle which represents the type that a driver applicant operates or expects to operate.

"Tanker-type Vehicle" - any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle. However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons. (Ill. Rev. Stat. 1987, ch. 6-500(28.).)

b) A Commercial Driver's License operator must successfully complete a written knowledge test to obtain any of the following endorsements:

- 1) (T) Double or triple trailers.
- 2) (P) Passenger carrying vehicles (16 or more passengers, including the driver). A skills test in a representative vehicle is required.
- 3) (N) Tank vehicles.
- 4) (H) Any vehicle carrying hazardous materials which requires placarding.
- 5) (X) Combination tank vehicle and hazardous materials endorsement. A knowledge test for tank vehicles (N) and hazardous materials (H) must both be successfully completed prior to obtaining this endorsement.

(Source: Added at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

"Commercial Driver's License (CDL)" - a driver's license issued by a State to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-500(3).)

"Commercial Motor Vehicle" - a motor vehicle having a GVWR of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations or the Secretary of State; or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle(s) being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Illinois Pseudorabies Control Act
- 2) Code Citation: 8 Ill. Adm. Code 115
- 3) Section numbers: Adopted Action:  
115.50 Amended
- 4) Statutory Authority: Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1987, ch. 8, pars. 801.1 and 805)
- 5) Effective Date of Amendments: March 21, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 15, 1990
- 9) Notices of Proposal Published in Illinois Register:  
Dec. 15, 1989, 13 Ill. Reg. 19329  
(issue date)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:  
Main Source Note amended to show adopted rulemaking filed January 19, 1990.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:  
The amendment allows herds that are currently recognized as qualified pseudorabies negative to become a pseudorabies controlled vaccinated herd without having to do another complete herd test. By vaccinating, a herd owner can give some protection to the animals if the herd is located near a source of pseudorabies infection. A differential test is now available

## DEPARTMENT OF AGRICULTURE

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that can tell the difference between field titer and the titer produced by a vaccine.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Donna Garman

Address: Division of Administrative Services, Illinois

Department of Agriculture, Agriculture Building, State

Fairgrounds, Springfield, Illinois 62794-9281

Telephone: (217) 785-0112

The full text of Adopted Amendment begins on the next page:

## DEPARTMENT OF AGRICULTURE

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TITLE 8: AGRICULTURE AND ANIMALS  
 CHAPTER J: DEPARTMENT OF AGRICULTURE  
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

## PART 115

## ILLINOIS PSEUDORABIES CONTROL ACT

Section	Definitions
115.10	Incorporation by Reference
115.15	Pseudorabies Quarantines
115.20	General Requirements for Qualified Pseudorabies Negative, Controlled Vaccinated and Feeder Swine Pseudorabies Monitored Herds
115.30	Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds
115.40	Requirements for Establishing and Maintaining Pseudorabies Controlled Vaccinated Swine Herds
115.50	Requirements for Establishing and Maintaining Pseudorabies Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds
115.60	Pseudorabies Test Requirements for Interstate Movement
115.70	Pseudorabies Testing of Feeder Swine
115.80	Feeder Swine
115.90	Breeding Animals Consigned to Slaughter
115.100	AUTHORITY: Implementing and authorized by the Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1987, ch. 8, par. 801 et seq.).

SOURCE: Adopted at J2 Ill. Reg. 3394, effective January 22, 1988; amended at J3 Ill. Reg. 3685, effective March 13, 1989; amended at J4 Ill. Reg. 1935, effective January 19, 1990; amended at J4 Ill. Reg. 5065, effective March 21, 1990.

## Section 115.50 Requirements for Establishing and Maintaining Pseudorabies Controlled Vaccinated Swine Herds

## a) Initial Requirements:

- 1) Herds which are not under quarantine for pseudorabies shall be granted pseudorabies controlled vaccinated herd status upon completion of one negative herd test of all breeding swine 6 months of age and over provided the entire herd of swine 10 months of age and over are vaccinated with a pseudorabies vaccine licensed by the U. S. Department of Agriculture and administered under the supervision of an accredited veterinarian within 15 days after such test or

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the herd is currently approved as a qualified pseudorabies negative herd (see Sections 115.30 and 115.40). The vaccine shall be a product for which there is a laboratory test available to differentiate between vaccine and field infection titers.

- 2) A minimum of 90 percent of the herd shall have been on the premises for at least 90 days OR originate directly from a qualified pseudorabies negative swine herd or from another pseudorabies controlled vaccinated herd.
- 3) If positive swine are disclosed in a herd in the process of becoming a pseudorabies controlled vaccinated herd, the positive swine shall be immediately isolated from the remainder of the herd and may be retested at the owner's expense with the special laboratory test designated to determine vaccination titers from field exposure. If the swine are determined to be positive only as a result of vaccination titers, the herd shall then be granted pseudorabies controlled vaccinated herd status. If the swine are determined to be infected with field virus, the positive swine shall be disposed of for slaughter OR be maintained on another premises separate and apart from that where the negative swine are maintained. The premises shall be cleaned and disinfected following removal of the positive swine. The herd shall then be granted pseudorabies controlled vaccinated herd status when it has complied with the provisions of subsection Section 115.50(a)(1).

## b) Maintenance Requirements:

- 1) Pseudorabies controlled vaccinated herd status shall be maintained continuously by a negative retest of 25 percent of the qualified herd at approximately each 90 days (80-105 days) OR 10 percent of the qualified herd at approximately each 30 days (25-25 days). Breeding stock in the herd 6 months of age and over, in a number equal to 25 percent of the number in the breeding herd on the date of the maintenance test shall be included in the 90- or 30-day test. The same animals shall not be retested for requalification purposes in any 12-month period, except during the first 12-month period following the initial qualification test. If the members of the qualified herd are maintained on more than one

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2) Offspring to be retained in a pseudorabies controlled vaccinated herd as breeding swine shall be tested and negative to an official test for pseudorabies upon reaching 10 months of age and shall then be vaccinated against pseudorabies with an approved vaccine in accordance with subsection 445-50(a)(1) within 15 days after such test.

3) If positive swine are disclosed on a maintenance test, or on a test for any other purpose, pseudorabies controlled vaccinated herd status shall be suspended. Positive swine shall be immediately isolated from the remainder of the herd and may be retested at owner's expense with the special laboratory test designated to determine vaccination titers from field exposure. If the swine are determined to be positive only as a result of vaccination titer, the pseudorabies controlled vaccinated herd status will be restored. If the swine are determined to be infected with field virus, they shall be disposed of for slaughter OR maintained on another premises separate and apart from that where the negative swine are maintained. The premises shall be cleaned and disinfected following removal of the positive swine and a retest conducted in 30 days on all unvaccinated swine 16 weeks of age and over. If this 30-day retest is negative, then all swine 16 weeks of age and over shall be retested again at the end of 30 days (60 days following removal of positive swine) and, if negative, pseudorabies controlled vaccinated herd status shall be reinstated.

## c) Additions:

- 1) Swine from any qualified pseudorabies negative herd may enter et. Illinois pseudorabies controlled vaccinated herd without test and shall be vaccinated in accordance with subsection 445-50(a)(1) within 30 days of entry into the herd.
- 2) Pseudorabies vaccinated swine originating from another pseudorabies controlled vaccinated herd may

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enter an Illinois pseudorabies controlled vaccinated herd upon evidence of a negative official test for pseudorabies conducted within 60 days prior to entry from another Illinois herd and within 30 days prior to entry from another state.

- 3) Unvaccinated swine originating from an Illinois pseudorabies controlled vaccinated herd may enter another Illinois pseudorabies controlled vaccinated herd without a pseudorabies test and shall be vaccinated in accordance with subsection 445-50(a)(1) within 30 days of entry into the herd.
- 4) Swine originating from other than an Illinois pseudorabies controlled vaccinated herd OR a qualified pseudorabies negative herd shall be negative to an official test for pseudorabies conducted within 60 days prior to entry into the herd from another Illinois herd and within 30 days prior to entry from another state. All such swine shall be held in isolation from the other members of the pseudorabies controlled vaccinated herd, and shall be retested and negative to an official test for pseudorabies not less than 30 nor more than 60 days following entry. Swine shall then be vaccinated in accordance with subsection 445-50(a)(1) within 30 days of entry into the herd.
- 5) Swine from a pseudorabies controlled vaccinated herd which are exhibited or arc otherwise commingled with swine from any other herd shall be held in isolation on the herd premises for a minimum of 30 days after return AND shall be tested and negative to an official test for pseudorabies before being reunited with other members of the pseudorabies controlled vaccinated herd.
- 6) Additions to a pseudorabies controlled vaccinated herd shall be tested and negative to an official test for pseudorabies upon reaching 10 months of age and shall then be vaccinated against pseudorabies with a pseudorabies vaccine in accordance with subsection 445-50(a)(1).

- d) Sales: Pseudorabies vaccinated swine originating from a pseudorabies controlled vaccinated herd may be loaned, leased, traded, or sold for breeding purposes within Illinois; provided, the purchaser is informed that the

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swine are from a pseudorabies controlled vaccinated herd.  
(Source: Amended at 14 Ill. Reg. 5065, effective March 21, 1990)

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- 1) The Heading of the Part: Motor Fuel Standards Act
  - 2) Code Citation: 8 Ill. Adm. Code 850
  - 3) Section numbers: 850.50 Amended
  - 4) Statutory Authority: Motor Fuel Standards Act (Ill. Rev. Stat. 1987, ch. 5, pars. 1704.1 and 1705.1)
  - 5) Effective Date of Amendments: March 26, 1990
  - 6) Does this rulemaking contain an automatic repeal date? No
  - 7) Does this amendment contain incorporations by reference? No
  - 8) Date Filed in Agency's Principal Office: March 15, 1990
  - 9) Notices of Proposal Published in Illinois Register:  
Dec. 22, 1989, 13 Ill. Reg. 19837  
(Issue date)
  - 10) Has JCAR issued a Statement of Objections to these rules? No
  - 11) Differences between proposal and final version:  
In Section 850.50, line 4, changed "1984 Supp." to "1987" and in line 6, changed "side" to "sides".
  - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
  - 13) Will this amendment replace an emergency amendment currently in effect? No
  - 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:  
The amendments permit the motor fuel retailer to place the label, which identifies the maximum percentage by volume of ethanol, methanol, and co-solvent in a motor fuel, on the front or sides of the motor fuel dispenser. On a dual-faced dispenser, the label can be affixed on each front or each side.
- The director of the Department of Agriculture was petitioned by Russell Stewart Oil Company and Piassa Motor Fuels, Inc. to amend the regulations to permit the label to be located on the front or side of the dispenser.

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Section 4.1 of the Act requires any motor fuel dispensing device which is used to dispense a motor fuel containing at least 1% by volume of ethanol, or of methanol, or of a combination thereof to be labeled, and the label to be visible to customers. The rule is intended to provide information to the customer; it is not intended as a means to adversely impact the sale of the product. Placing the label in the top one-third of the dispenser, even if on the sides, will still make it visible to customers and accomplish the legislative intent. Revising the rule to permit the label to be placed either on each front or each side of the dispenser will give each retailer the option of following the marketing strategy that said retailer endorses.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Donna Garman

Address: Division of Administrative Services, Illinois Department of Agriculture, Agriculture Building, State Fairgrounds, Springfield, Illinois 62794-9281  
Telephone: (217) 785-0112

The full text of Adopted Amendment begins on the next page:

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER S: MOTOR FUELS

## PART 850

## MOTOR FUEL STANDARDS ACT

## Section

850.10 Written Complaint Required

850.20 Access to Motor Fuels and Records

850.30 Responsibility for Standards of Quality  
Administrative, Laboratory and Sampling Fees

850.40 Label on Motor Fuel Dispensing Device

AUTHORITY: Implementing and authorized by the Motor Fuel Standards Act (Ill. Rev. Stat. 1987 & 1984 Supp., ch. 5, par. 1701 et seq.).

SOURCE: Emergency rules adopted at 8 Ill. Reg. 1455, effective January 12, 1984; adopted at 8 Ill. Reg. 5993, effective April 23, 1984; amended at 9 Ill. Reg. 1271, effective August 6, 1985; amended at 14 Ill. Reg. 5072, effective March 26, 1990.

## Section 850.50 Label on Motor Fuel Dispensing Device

The label, which identifies the maximum percentage by volume of ethanol, methanol, and co-solvent in a motor fuel and which is required by Section 4.1 of the Motor Fuel Standards Act (Ill. Rev. Stat. 1987 & 1984 Supp., ch. 5, par. 1704.1) to be affixed to the motor fuel dispensing device and visible to the customers, shall be located on the front or sides of the dispenser and within the top 30 percent of the height of the dispenser. On a dual-faced dispenser, the label shall be affixed on each front or each side in accordance with the before stated requirements.

(Source: Amended at 14 Ill. Reg. 5072, effective March 26, 1990)

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- 1) The Heading of the Part: Industrial Training Program
- 2) Code Citation: 56 Ill. Adm. Code 2650
- 3) Section Numbers: Adopted Action:

2650.10	Amendment
2650.20	Amendment
2650.30	Amendment
2650.40	Amendment
2650.50	Amendment
2650.110	Amendment
2650.130	Amendment
2650.140	New Section
2650.210	New Section
2650.220	New Section
2650.230	New Section
2650.240	New Section
2650.250	New Section
- 4) Statutory Authority: Implementing Section 46.19a(1) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 46.19a(1), as amended by P.A. 86-813, effective September 7, 1989 and 46.42).
- 5) Effective Date of Amendments: March 20, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: March 15, 1990.
- 9) Notice of Proposal Published in Illinois Register: October 13, 1989; 13 Ill. Reg. 15977.
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version:
  - Section 2650.30
 

In the fourth line of subsection(c)(1), the word "them" has been replaced with "clients" and in the third line removed the hyphen from "under-developed" making it one word.
  - Subsection(c)(2) has been rewritten to read: "To rent, purchase, or lease the machinery or equipment necessary to equip such training programs as described in subsection(a), where the institution will

- receive a cash match from a company which has need for the training in an amount that is at a minimum equal to the training funds requested."
- Section 2650.40(b)
 

In the third line, deleted "direct" before "costs" and in the seventh and eighth lines, deleted "of administrative and support costs of the approved program".
- Section 2650.130
 

In the second line of subsection(c)(2), the words "the number of" have been inserted before "individuals".
- In the first line of subsection(c)(7), the phrase "Level of performance by applicants" has been replaced with "Compliance with terms and conditions".
- Section 2650.210
 

In the second line of subsection(b), the phrase "established each year by the Department" has been inserted after "due date".
- Section 2650.230
 

Subsection(b)(4) has been rewritten to read: "Costs Assessment - The proposals will be reviewed to determine that the costs charged to the program to carry out proposed activities are consistent with administrative cost and matching fund limitations as specified in Section 2650.40."
- Section 2650.240
 

The word "and" has been added to the end of subsection(a)(2).
- In the second line of subsection(a)(3), "; and" has been deleted.
- Subsection(a)(4) has been deleted.
- Section 2650.250
 

In subsection(a)(3), replaced the commas following "activities", "problems", and "clients" with semicolons.
- Subsection(b)(1) has been revised to read: "Screened Clients Listing - due the 15th day after the end of each quarter which lists the proposed business venture; the standard industrial classification (i.e., number); the clients' names and demographics (e.g., age, sex, race, educational level, and years of business experience); and the clients' level of participation (i.e., enrolled in class, graduated class, or started business)."
- Subsection(b)(2) has been revised to read: "Characteristics of Clients Served - due the 15th day after the end of each quarter of the year

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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which provides a statistical breakdown of demographic characteristics for the total number of clients served by the project."

In the third line of subsection(c), a period has been placed after "plans" and the remainder of the subsection has been deleted.

In the second line of subsection(d), the phrase "for a period of three years" has been inserted after "maintained".

In the first line of subsections(d)(2)(A) and (B), the word "counselors" has been replaced with "self-employment training counselors and administrators of the grantee".

In the first line of subsection(d)(2)(C), the word "grantee" was inserted before "project personnel".

In the first line of subsection(d)(2)(C), "administrators" was inserted after "project personnel".

In the fourth line of subsection(e), "applicable state regulations" has been replaced with "the grant agreement".

Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency amendment currently in effect? Yes.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments:

P.A. 86-813, effective September 7, 1989, amended the ITP by adding four eligible activities for which ITP grants may be awarded. These activities are as follows: training of new or existing employees of Illinois companies that seek to develop new overseas markets for products or services; customized training of employees of companies located in the state enterprise zones; training of existing employees of manufacturing facilities that are implementing quality control programs, but are not making new capital investments; and self-employment training of the unemployed and underemployed with comprehensive, competency-based instructional programs and services.

To accommodate these changes the rules were recodified (effective September 13, 1989) and are now being divided into three subparts: "SUBPART A: GENERAL REQUIREMENTS", "SUBPART B: INDUSTRIAL FIRMS AND MAJOR EMPLOYER APPLICANTS", and "SUBPART C: SECONDARY AND POST-SECONDARY EDUCATION INSTITUTION APPLICANTS". Any references to

Sections within this Part have been corrected to correspond to the recodified text. The general program requirements found in Sections 2650.10 through 2650.50 of Subpart A have been expanded to include provisions for the new legislation. Since P.A. 86-813 expanded the eligible program activities, provisions for application procedures, evaluation, and selection for industrial firms or major employer applicants (Sections 2650.110, 2650.130, and 2650.140 of Subpart B) have been revised. Subpart C, Sections 2650.210 through 2650.250, specifies provisions governing application procedures, documentation, and evaluation; selection for funding; and reporting requirements for secondary and post secondary education applicants.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. John D. Taylor, Deputy Director  
Department of Commerce and Community Affairs  
Bureau of Program Administration  
620 East Adams Street, 5th floor  
Springfield, Illinois 62701  
(217) 782-6136

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 56: LABOR AND EMPLOYMENT

## CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## PART 2650

## INDUSTRIAL TRAINING PROGRAM

SUBPART A: GENERAL REQUIREMENTS

**Section 2650.10 Purpose**  
 Through the Illinois Industrial Training Program (Program), the Department of Commerce and Community Affairs (Department) will provide training grants to for-profit businesses operating or locating in Illinois in conjunction with planned permanent expansion, location or retention activities, and to institutions of higher or secondary education to encourage the creation of new enterprise development and new business formation. The Department may also rent, purchase, or lease such equipment or machinery necessary to equip such job-training programs or make grants to any higher or secondary education institution for such purposes. The purpose of the Program is to enhance employment opportunities for Illinois citizens by assisting Illinois employers in the training of their workforce, and to facilitate self-employment by encouragement and preparation through comprehensive instructional programs and services.

(Source: Amended at 14 Ill. Reg. 5075, effective March 20, 1990)

SUBPART B: INDUSTRIAL FIRMS AND MAJOR EMPLOYER APPLICANTS

**Section 2650.10 Purpose**  
**Section 2650.10 Application Procedures**  
 2650.10 Application Documentation  
 2650.120 Application Evaluation  
 2650.130 Selection for Funding  
 2650.140 Selection for Funding

SUBPART C: SECONDARY AND POST-SECONDARY EDUCATION INSTITUTION APPLICANTS

**Section 2650.210 Application Procedures**  
**Section 2650.220 Application Documentation**  
**Section 2650.230 Application Evaluation**  
**Section 2650.240 Selection for Funding**  
**Section 2650.250 Reporting Requirements**

AUTHORITY: Implementing Section 46.19(a)(1) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.19a(1), as amended by P.A. 86-813, effective September 7, 1989 and 46-42).

SOURCE: Adopted at 11 Ill. Reg. 11642, effective June 29, 1987; recodified at 13 Ill. Reg. 15386; emergency amendments at 13 Ill. Reg. 16126, effective September 27, 1989, for a maximum of 150 days; emergency expired February 24, 1990; amended at 14 Ill. Reg. 5075, effective March 20, 1990.

SUBPART A: GENERAL REQUIREMENTS

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## Section 2650.10 Purpose

Through the Illinois Industrial Training Program (Program), the Department of Commerce and Community Affairs (Department) will provide training grants to for-profit businesses operating or locating in Illinois in conjunction with planned permanent expansion, location or retention activities, and to institutions of higher or secondary education to encourage the creation of new enterprise development and new business formation. The Department may also rent, purchase, or lease such equipment or machinery necessary to equip such job-training programs or make grants to any higher or secondary education institution for such purposes. The purpose of the Program is to enhance employment opportunities for Illinois citizens by assisting Illinois employers in the training of their workforce, and to facilitate self-employment by encouragement and preparation through comprehensive instructional programs and services.

(Source: Amended at 14 Ill. Reg. 5075, effective March 20, 1990)

## Section 2650.20 Definitions

**Director** - The Director of the Department of Commerce and Community Affairs.

**Grantee** - Any program applicant whose proposal is funded by the Department through a grant.

**Location Activities** - Activities necessary to place or attract new companies to Illinois (e.g., training).

**Manufacturing Concern** - Any plant, factory, or business that produces a manufactured product.

**New Employee** - An individual who is hired by the grantee during the term of a training contract or who is permanently transferred to Illinois during the term of a training contract.

**Planned Permanent Expansion** - Any of the following will apply:

- 1. Permanent increase in the workforce (no minimum number of new jobs required);
- 2. Addition of new product line or expansion of existing product line; or
- 3. New capital investment in machinery or equipment.

**Retention Activities** - Activities necessary to keep existing companies in Illinois that might otherwise leave the State or

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reduce their workforce (e.g., retraining, upgrading, cross-training).

Retraining - The re-education training of an employee with the intent where that the employee will learn learns to perform a different type of job than he had was previously held by that employee.

Self-Employment Training Program - Either a structured long-term, in-depth counseling assistance program, or a competency based business management training program in which demonstrated proficiency and ability to complete a business and financing plan is a prerequisite to successful completion.

Upgrade Training Upgrading - The enhancement of employees' job skills with the intent that the employee where they will continue working in at the same type of job (e.g., cross-training of skilled trades employees).

(Source: Amended at 14 Ill. Reg. 5075, effective March 20, 1990)

## Section 2650.30 Eligible Applicants

a) Any manufacturing concern locating or established in Illinois that meets any one or more of the following criteria:

- 1) Permanent expansion of its workforce;
  - 2) Upgrading or retraining its workforce in response to changes in the technology of the manufacturing process (i.e. retooling); or
  - 3) New or additional product lines; or
  - 4) Engaged in activities designed to increase the quality and/or reduce the cost of manufactured products (e.g., just-in-time inventory systems, blueprint reading, statistical process control, and material resource planning).
- b) The Director will also accept applications from any other Illinois employer that is either:
- 1) expanding its workforce by at least 100 full-time employees and the company will not directly compete with other local businesses which offer products or services of a similar nature (e.g., grocery stores, restaurants) which jeopardize existing jobs and negate the purpose of the training funds;

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or

- 2) making a capital investment in Illinois of at least \$1,000,000 dollars and the company will not directly compete with other local businesses which offer products or services of a similar nature (e.g., grocery stores, restaurants) which jeopardize existing jobs and negate the purpose of the training funds; or
  - 3) engaged in activities designed to establish or expand export markets (e.g., research, consulting, mentor programs, seminars, redesign of products). These activities may include multi-company or industry specific projects.
- c) Public or proprietary institutions of higher or secondary education may also apply for training funds for the following purposes:

- 1) To establish self-employment training programs targeted to assist unemployed or underemployed individuals in underdeveloped areas, especially within enterprise zones, to encourage and prepare clients to create new enterprise development and new business formation.
- 2) To rent, purchase, or lease the machinery or equipment necessary to equip such training programs as described in subsection(a), where the institution will receive a cash match from a company which has need for the training in an amount that is at a minimum equal to the training funds requested.

(Source: Amended at 14 Ill. Reg. 5075, effective March 20, 1990)

## Section 2650.40 Allowable Costs

- a) Grants for employee training will consist of the payment of up to 66 2/3% of wage and fringe benefits for a specified training time for each employee and/or job classification. The grants also allow for up to 66 2/3% of costs such as instructors/trainers salaries and fringe benefits, travel expenses, training materials, and administrative expenses such as the cost of secretarial bookkeeping costs.

- b) Grants may also be made to any higher or secondary education institution to rent, purchase or lease such equipment or machinery necessary to equip such job-training programs.

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- b) Grants to eligible applicants providing self-employment training programs to unemployed and underemployed shall have a state's contribution limit of 66 2/3% of the costs of the approved program, except in those programs where at least 50% of the program participants are unemployed, handicapped, or receiving state welfare assistance in which case the state's contribution may be greater than 66 2/3% but not more than 100%.

(Source: Amended at 14 Ill. Reg. 5075, effective March 20, 1990)

## Section 2650.50 Grant Administration Requirements

- a) Audits - The Department reserves the right to conduct special audits at any time during normal working hours of funds expended under Department grants (e.g., evidence of fraud or abuse).
- b) For the purpose of Subparts B and C of this Part, additional the following provisions specified in 47 Ill. Adm. Code 1.30, 1.80, 1.90, 1.100, 1.110, 1.120, and 1.140 are applicable. In addition, for the purpose of Subpart C only, the following provisions specified in 47 Ill. Adm. Code 1.40, 1.60, and 1.130 are applicable.

(Source: Amended at 14 Ill. Reg. 5075, effective March 20, 1990)SUBPART B: INDUSTRIAL FIRMS AND MAJOR EMPLOYER APPLICANTS

## Section 2650.110 Application Procedures

Applications will be accepted at any time and reviewed on a monthly basis. Receipt of an application does not commit the Department to award a grant or to pay any costs incurred in the preparation of an application. The applicant should not procure, contract for, or incur costs for services or supplies prior to the signing of a written contract. The contents of an approved application will become part of the contract awarded to the applicant. All data, material, and documentation originated by an application and prepared for an application or contract shall belong exclusively to the State of Illinois and the Department. The Department will supply interested businesses with an application upon request. Applications for grant funds shall be submitted to the Industrial Training Program Manager on forms provided by the Department along with any necessary attachments which may be required.

(Source: Amended at 14 Ill. Reg. 5075, effective March 20, 1990)

## Section 2650.130 Application Evaluation

The Department shall screen all applications to determine that all

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requirements of the application package have been addressed. Complete applications will be reviewed and evaluated comparatively by Department staff on a monthly basis. Applicants will be notified by letter of deficiencies through applications and given an opportunity to correct such deficiencies through resubmission. This review and evaluation process will be completed within 95 seventy-five days of receipt of all required information. Department staff will conduct a technical and financial evaluation of each application.

- a) Technical Evaluation Component - Each application will be reviewed to assure compliance with technical program requirements as detailed in Sections 2650.30 and 2650.50 2650.120.
- b) Financial Evaluation Component - The company's financial statements, including the annual balance sheets and profit and loss statements for the past three years, as well as the most recent ninety days, and a three year projected balance sheet and profit and loss statement, as well as a one year monthly cash flow statement, will be reviewed through a standard credit analysis which will determine the: liquidity and debt coverage for the project; ability of the company to manage debt; business trends; and projected earnings. This data will be compared to similar data for companies in the same industry using "Robert Morris Associates Annual Statement Studies" (1985), if such industry is evaluated by this source. This standard credit analysis will determine the financial stability of the company.
- c) Application Ranking Evaluation - Those applications determined eligible for funding based on the evaluation process described in subsections (a) and (b), will be ranked evaluated according to the following criteria: which-are-equally-weighted:
- 1) Project readiness (e.g., time schedule for project initiation, etc.);
  - 2) Jobs to be created or retained (e.g., number of full-time jobs, cost per job, etc.) or the number of individuals who will receive training;
  - 3) New capital investment (e.g., capital investment per-job totals-an-average-of-\$287,000, training directly relates to jobs, etc.);
  - 4) Leveraging of other training resources (e.g., amount of funding available, funding received from other sources, etc.);
  - 5) Financial feasibility of the project as determined by the financial evaluation described in subsection (b); and

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- 6) Other significant benefits or impact (e.g., project is for high technology, or export oriented); and

- 7) Compliance with terms and conditions under previous Industrial Training Program grant awards.

(Source: Amended at 14 Ill. Reg. 5075, effective March 20, 1990)

## Section 2650.140 Selection for Funding

- a) Quarterly allocations of funds will be established by the Department each fiscal year. Grant awards will be made on a monthly basis within the parameters of the quarterly allocations. Those applications that rank highest-on-a-comparative-basis-(as described-in-Section-2650.69)-will-be eligible-for-funding. Due to funding limitations, a grant ceiling of 50% of project costs has been established by the Department. The Director will waive this funding limitation, allowing support for up to 66 2/3% of a project's cost when the company demonstrates to the Department through a financial analysis (see Section 2650.68 2650.130(b)) that the 50% funding limitation would prohibit an otherwise approved project, in accordance with Sections 2650.68 2650.130 and 2650.70 this Section, and subsequent job creation/retention from occurring.

- b) Those projects which are not funded solely due to a lack of available funds will be considered eligible for funding during the next quarter, unless the applicant requests otherwise. Such applications will receive no preferential treatment and must again be comparatively ranked evaluated against all applications being considered for funding during the quarter. Should the Department once again lack funds to support the project, the application will be denied.

- c) A set aside fund will be established in order to take action on those applications requiring immediate attention (e.g., an industrial project in need of a commitment, as a part of an overall Department incentive offer to locate in Illinois; a project which could not move forward without Department funding); Both the set-aside and the quarterly allocations are targeted figures based on the historical demand for funds which shall be changed to allow for the types, number, and quality of requests received throughout the year. The Department will place the highest priority on grants to manufacturing firms that create new jobs.

d) -Subsequent-to-the-quarterly-evaluation-process-during-which-applications-were-considered-for-funding;-respective-applicants

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- 6) will receive written notification of funding determinations.

(Source: Amended at 14 Ill. Reg. 5075, effective March 20, 1990)SUBPART C: SECONDARY AND POST-SECONDARYEDUCATION INSTITUTION APPLICANTS

## Section 2650.210 Application Procedures

- a) Any eligible applicant as defined in Section 2650.30(c) seeking to have an application approved for grant funding must submit a proposal on a form provided by the Department on an annual basis prior to the deadline as determined by the Department. Receipt of an application does not commit the Department to award a grant or to pay any costs incurred in the preparation of an application.
- b) Public notice of the availability of grants and the application due date established each year by the Department will be published in the State recognized newspaper. Applications will be due no later than forty-five days after the public notice. All forms, materials and documents of an approved application will become part of the contract awarded to the applicant and shall belong exclusively to the State of Illinois and the Department.

(Source: Added at 14 Ill. Reg. 5075, effective March 20, 1990)

## Section 2650.220 Application Documentation

Applications will include documentation of the following:

- a) Background of Applicant - a brief discussion of the applicant's organization, purpose, history and capabilities to carry out the proposed project.
- b) Evidence of Need - a description of the economic conditions of the community necessitating the project such as types of industrial mix, employment and unemployment, wage and education levels.
- c) Project Description - a description of the proposed project for which the grant would be used, including work to be undertaken and methods to be used.
- d) Project Work Statement - a statement of measurable project objectives and work activities.

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- e) Project Results - identification of the anticipated results of the proposed project in terms of economic results such as to the creation or retention of jobs, number of businesses to be started, etc.
- f) Project Management - information on the staff and/or consultants to be involved in the proposed project and the percent of time to be spent on the project as well as the name and qualifications of the individual who will be the project director responsible for project management, internal quality control, and project report preparation.
- g) Coordination - a description of any cooperative working relationships which will be developed with other organizations involved in similar or related activities, and the relationship of the project to existing local, regional or state economic development plans.
- h) Budget - a project budget by cost categories, as required in the Department's application package, detailing total costs, amount and source of matching share and the requested grant amount.
- (Source: Added at 14 Ill. Reg. 5075, effective March 20, 1990)
- Section 2650.230 Application Evaluation
- a) Application Screening - The Department staff shall review all proposals to determine that all minimum requirements as specified in this Part and the proposal application have been addressed. This review process shall begin after the application due date and take no more than seventy-five days with grant awards being announced at the end of the grant review process.
- b) Review Criteria - The following review criteria will be used in reviewing applications for funding:
- 1) Proposed Activities - The proposals will be reviewed to assure their consistency with the eligible components and activities described in Section 2650.30(c).
- 2) Administrative Capacity - The proposals will be reviewed to determine whether the applicant is capable of successfully completing the proposed project based on past experience or previous performance, and the scope of program coordination.
- 3) Project Impact - The proposals will be reviewed to determine the extent to which the proposed activities are

- projected to result in measurable economic gains such as new business starts, new jobs created or jobs retained or number of program participants entering employment.
- 4) Costs Assessment - The proposals will be reviewed to determine that the costs charged to the program to carry out proposed activities are consistent with administrative cost and matching fund limitations as specified in Section 2650.40.
- (Source: Added at 14 Ill. Reg. 5075, effective March 20, 1990)
- Section 2650.240 Selection for Funding
- a) The Department will select proposals for funding based on the following:
- 1) availability of funds for the program;
- 2) evaluation of applicants on the review criteria; and
- 3) the extent to which the program serves the targeted clientele, high poverty areas, enterprise zones, etc.
- b) Upon selection, the Department will notify applicants of the amount of grant, if any, to be used to fund the eligible program. The Department will issue an award letter and grant agreement and upon signature of the grant agreement by the local project director, will reimburse the amount of funds identified in the grant award letter upon receipt of voucher invoice and report of financial status.
- c) Upon request, applicants will be notified by letter of deficiencies in applications and given an opportunity to correct such deficiencies through resubmission at the next regular cycle.
- (Source: Added at 14 Ill. Reg. 5075, effective March 20, 1990)
- Section 2650.250 Reporting Requirements
- a) In order to track funded activities under this Subpart, specific reports will be required of eligible project grantees:
- 1) Quarterly Indicators Report - due the 15th day after the end of each quarter of the calendar year, consisting of a numerical analysis of planned versus actual achievement levels.

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- 2) Invoice Voucher and Expenditure Summary - due no less frequently than the 15th calendar day of each month after the first month of the grant period for the dual purpose of covering the expenditures to date as well as the immediate cash needs of the grantee to operate the project.
- 3) Project Summary Report - due the 15th working day after the end of the second quarter of the grant period, and within forty-five working days after the expiration date of the grant (semi-annual and annual reporting), consisting of an analysis of major project components, activities, accomplishments and problems; a listing of clients served, if the project served clients; and an evaluation of how the project's operation related to the objectives of the grant.
- b) If the project directly serves clients, the following reports are also required:
- 1) Screened Clients Listing - due the 15th day after the end of each quarter which lists the proposed business venture; the standard industrial classification (i.e., number); the clients' names and demographics (e.g., age, sex, race, educational level, and years of business experience); and the clients' level of participation (i.e., enrolled in class, graduated class, or started business).
  - 2) Characteristics of Clients Served - due the 15th day after the end of each quarter of the year which provides a statistical breakdown of demographic characteristics for the total number of clients served by the project.
  - 3) Client Data Sheets - due the 15th day after the end of each quarter of the year detailing business profile, financing sources, job impact, and types of business assistance counseling of each client completing training, or obtaining other employment.
  - c) Grantees must formally request in writing to the Department any revisions or amendments of approved proposal or scope of work plans.
  - d) In addition to maintaining a central file of records referenced above, the following records must be maintained for a period of three years at the project site for projects which directly serve clients:
- 1) Intake record file - a record file of individuals recruited and screened for project participation with an indication

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of means for eligibility determination and of final disposition (e.g., selected, not selected). Individual files on clients must include documentation of program eligibility.

- 2) Waivers - A record of a signed waiver should be maintained within all client files. Waivers should acknowledge that
- A) self-employment training counselors and administrators of the grantee will not recommend goods or services from sources in which he/she has an interest;
  - B) self-employment training counselors and administrators of the grantee will not accept fees or commission developing from the counseling relationship; and
  - C) clients will hold harmless grantee project personnel, administrators, and counselors from circumstances resulting from this assistance.
- e) For projects which use any portion of Department funds to purchase equipment, in whole or in part, a property certification statement that project funds have been expended in accordance with the grant agreement is required. A record of all non-expendable personal property or equipment purchased with Department funds will be maintained and each record shall minimally detail the description of the item, serial number or identification number, physical location and cost.

(Source: Added at 14 Ill. Reg. 5075, effective March 20, 1990 )

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- 1) The Heading of the Part: Local Tourism and Convention Bureau Program
- 2) Code Citation: 14 Ill. Adm. Code 550
- 3) Section Numbers:
- |               |                        |
|---------------|------------------------|
| <u>550.10</u> | <u>Adopted Action:</u> |
| 550.20        | Amendment              |
| 550.35        | New Section            |
| 550.40        | Amendment              |
| 550.50        | Amendment              |
| 550.60        | Amendment              |
- 4) Statutory Authority: Implementing Section 46.6a of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.6a) and Section 8.25 of "AN ACT in relation to State finance" (Ill. Rev. Stat. 1987, ch. 127, par. 144.25, as amended by P.A. 86-44, effective July 13, 1989) and authorized by Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.20).
- 5) Effective Date of Amendments: March 20, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: March 14, 1990.
- 9) Notice of Proposal Published in Illinois Register: November 17, 1989; 13 Ill. Reg. 1756.
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version:
- Section 550.10  
In the last sentence, changed "These rules establish" to "This Part establishes".
- Section 550.20  
A definition of "Contractual Cooperative Project Agreement" has been added to the Section.  
Throughout this Section all terms being defined have been enclosed in quotation marks.
- Section 550.35  
In line 4, immediately following the statutory language, the cite

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- "(section 46.6a(1) of the Act)" has been inserted.
- Section 550.40  
Subsection(a) (Prior Approval) has been expanded to now specify what information must be included in the project review request and criteria for the approval of such requests.
- The language of subsection(b)(1)(F) has been changed to read: "Membership dues for tourism related associations or organizations;".
- In subsection(b)(2)(A), the words "quick-print" have been replaced with "photocopied".
- The last sentence of subsection(c) has been rewritten to read: "A bureau which fails to include the Department identification (in its entirety) must reimburse the Department for State funds received in support of the project."
- Subsection(d) has been changed to read: "Within 60 days of completion of a project, proof of performance (i.e., copies of vendor invoices; tear sheets; and cancelled checks, both front and back) must be submitted to the Department's LTCB grant manager along with 10% of all printed material produced with grant funds."
- The second sentence of subsection(c) has been revised to read: "Bureaus must receive prior Department approval (see Section 550.40(a)) on contractual cooperative project agreements used to satisfy match requirements."
- In subsection(i) the language "handled in accordance with the grant agreement contract" have been replaced with "returned to the Department".
- In subsection(m) the cite "(14 Ill. Adm. Code 510)" will not be deleted.
- Section 550.60  
In line 3 of subsection(c)(1)(A), the year of the Illinois Revised Statutes edition will remain as 1985.
- In line 1 of subsection(c)(2)(C), inserted "(e.g., year end audit)" after "financial report".
- In line 2 of subsection(c)(2)(C), a comma has been added after "1985".
- In line 14 of subsection(c)(3)(C)(ii), changed "Section 550.60" to "subsection".

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: This rulemaking serves to update rules entitled "Local Tourism and Convention Bureau Program" (14 Ill. Adm. Code 550). In Section 550.10, revised language clarifies the intent of the program. In Section 550.20, the definition of "Promotional Activities" has been modified. Information regarding eligible applicants has been moved from Section 550.40 to a new Section 550.35 entitled "Eligible Applicants." Other modifications to Section 550.40 address prior approval of projects, eligibility of promotional activities, and department recognition. Provisions regarding matching funds have been clarified and moved from Section 550.40 to Section 550.50. Various administrative requirements found in Section 550.50 are being amended. Application procedures specified in Section 550.60 have also been updated.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Linda Morris, LTCB Manager  
Department of Commerce and Community Affairs  
Office of Tourism  
620 East Adams Street, 1st floor  
Springfield, Illinois 62701  
(217) 785-6341

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- TITLE 14: COMMERCE  
SUBTITLE C: ECONOMIC DEVELOPMENT  
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 550  
LOCAL TOURISM AND CONVENTION BUREAU PROGRAM

Section	Purpose	Definitions	Formula for Allocation of Appropriations to Grantees	Eligible Applicants	Program Requirements	Administrative Requirements	Application Process
550.10							
550.20							
550.30							
550.35							
550.40							
550.50							
550.60							
AUTHORITY: Implementing Section 46.6a of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.6a) and Section 8.25 of "AN ACT in relation to State Finance" (Ill. Rev. Stat. 1987, ch. 127, par. 144.25, as amended by P.A. 86-44, effective July 13, 1989) and authorized by Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.20).							
SOURCE: Adopted at 9 Ill. Reg. 4775, effective April 4, 1985; amended at 12 Ill. Reg. 2226, effective January 19, 1988; amended at 14 Ill. Reg. 5091, effective March 20, 1990.							
NOTE: Capitalization denotes statutory language.							
Section 550.10 Purpose							
Section 11 of Public Act 83-1129, effective July 3, 1984 (Ill. Rev. Stat. 1984 Supp. 1987, ch. 127, par. 46.6a) authorizes the establishment of grants with local tourism and convention bureaus from the Convention and Local Tourism Account in the Tourism Fund. Activities funded under these grants will -supplement- the -State's- advertising efforts -to increase -the -number -of business-and-tourist-visitors -to-the-State -and -to increase -the -number -of business-and-tourist-visits within-the-State. The intent of the program is to generate increased hotel/motel occupancy and travel into and throughout the State of Illinois impacting the economic growth of the trade industry. These -rules-establish This Part establishes guidelines for the implementation and administration of the Local Tourism and Convention Bureau Program.							
(Source: Amended at 14 Ill. Reg. 5091, effective March 20, 1990)							
Section 550.20 Definitions							
"Act" - Act means Section 11 of the Civil Administrative Code of							

The full text of the Adopted Amendments begins on the next page:

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Illinois (Ill. Rev. Stat. 1986-Supp. 1987, ch. 127, par. 46.6a) which establishes a grant program herein referred to as the Local Tourism and Convention Bureau Program.

"Applicant" - Applicant means a certified local tourism and convention bureau.

"Application" - Application means the written request by certified local tourism and convention bureaus for funds authorized by the Act.

"Bureau" - Bureau means local tourism and convention bureau.

"Certified Bureau" - Certified bureau means that local bureau which has been designated by the Department as a grantee entitled to receive funds under the Act in accordance with Section 550.60.  
Contractual Cooperative Project Agreement - A contract to provide funds from a local entity to a bureau to cover a portion of the costs for a cooperative promotional project. Such funds must be deposited in the bureau's local account and expended solely on the project.

"Department" - Department means the Department of Commerce and Community Affairs.

"Department Logo" - Form of recognition as stipulated and supplied by the Department to identify promotional project/product as being produced in whole or in part through grant funds from the Department.

"Director" - Director means the Director of the Department of Commerce and Community Affairs.

"Fiscal Year" - Fiscal Year means July 1 through June 30, the fiscal year of the State of Illinois.

"Grant Document" - Grant document means a written and signed contractual document between a local tourism and convention bureau and the Department of Commerce and Community Affairs which includes a description of the activities to be performed, budget, and all terms and conditions of the contract.

"Grantee" - Grantee means a local tourism and convention bureau Receiving Local Tourism and Convention Program funds from the Department.

"In-Kind Contributions" - Volunteer time, donated space, etc.

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(non-monetary donations).

"Local Tourism and Convention Bureau (LTCB)" - Local tourism and convention bureau means a not-for-profit organization or public agency which represents and serves one or more municipalities or counties, whose purpose is consistent with the purpose of the Act, i.e., to promote tourism and increase hotel-motel revenues, and which employs a full-time paid professional executive director/chief executive officer that devotes all time to development and growth of tourism within the Bureau's region.

"Local Government" - Local Government means county(ies), municipality(ies), townships(s), and city(ies) having authority to enact laws and ordinances, administer laws and ordinances, raise taxes or expend funds.

"Match" - Match means bureaus' local funds.

"Population Served" - Population served means the population of the cities, towns, or counties which the local tourism and convention bureau serves according to the latest certified census figures.

"Program" - Program means the Local Tourism and Convention Bureau Program.

"Project" - Project means promotional activities which are described by the applicant in the application and are approved and funded by the Department.

"Promotional Activities" - Promotional activities means activities which are designed to encourage visits or visitors to and through Illinois or attendance at local civic-center events in accordance with Section 550.40.

(Source: Amended at 14 Ill. Reg. 5091 \_\_\_\_\_, effective March 20, 1990)

## Section 550.35 Eligible Applicants

BUREAUS ELIGIBLE TO RECEIVE FUNDS ARE DEFINED AS THOSE BUREAUS IN LEGAL EXISTENCE AS OF JANUARY 1, 1985, WHICH ARE EITHER A UNIT OF LOCAL GOVERNMENT OR INCORPORATED AS A NOT-FOR-PROFIT ORGANIZATION, ARE AFFILIATED WITH ONE OR MORE MUNICIPALITY OR COUNTY, AND EMPLOY ONE FULL TIME (Section 46.6a(1) of the Act) PAID, PROFESSIONAL, EXECUTIVE DIRECTOR/CHIEF EXECUTIVE OFFICER THAT DEVOTES ALL TIME TO DEVELOPMENT AND GROWTH OF TOURISM WITHIN BUREAU'S REGION.

(Source: Added at 14 Ill. Reg. 5091 \_\_\_\_\_, effective March 20, 1990)

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## Section 550.40 Program Requirements

- a) BUREAUS-ELIGIBLE-TO-RECEIVE-FUNDS-ARE-DEFINED-AS-THOSE-BUREAUS-IN  
LEGAL-EXISTENCE-AS-OF-JANUARY-1-1985,-WHICH-ARE-EITHER-A-UNIT-OF  
GOVERNMENT---OR---INCORPORATED---AS---A---NOT-FOR-PROFIT  
ORGANIZATION-ARE-AFFILIATED-WITH-ONE-OR-MORE-MUNICIPALITY-OR  
COUNTY,-AND-EMPLOY-ONE-PUBLIC-Paid,-professional-executive  
director/chief--executive--officer--that--devotes--all--time--to  
development-and-growth-of-tourism-within-bureau's-region;
- a.) Prior Approval
- 1) All projects/expenditures utilizing LTCB grant funds must be submitted to the LTCB grant manager for review and approval prior to project initiation. Bureaus must allow a minimum of 30 days prior to initiation of a project, for review and notification. The project review request must include the following information:

- A) grant number;  
 B) date submitted;  
 C) fiscal year;  
 D) bureau name;  
 E) project title/description (e.g., number to be printed, location of ad placements, dates and locations of conferences/events);  
 F) amount of state funds and local funds which comprise estimated project cost;  
 G) vendor name(s), description of services to be provided by vendor(s), and itemized cost;  
 H) anticipated initiation and completion dates;  
 I) evidence of bid solicitation (where applicable);  
 J) mock-ups or samples of project;  
 K) whether project was outlined in initial marketing plan;  
 L) whether project duplicates an existing project in bureau's service area;

- M) targeted audience for project;  
 N) radius of targeted audience for project;  
 O) method of distributing project, and  
 P) signature, title, and date.
- 2) If the project review request form is complete and if accompanied by the required supporting documentation and if the project is an eligible promotional activity and includes the current Department logo, the project will be approved.
- b) Promotional Activities: Eligible promotional activities that are to-be-funded-under-this-program-shall-be-activities-which-further the growth of-the-State's-travel-industry-by-encouraging-visits to-the-State -and-attendance-at-the-State's-local-civic-center events-
- 1) Examples of eligible promotional activities include, but are not limited to:
    - A) Brochures or/posters;
    - B) Trade show participation Travel expenses transportation, lodging, per diem;
    - C) Travel/trade show participation booth space rental and/or registration fees;
    - D) Sponsorship of travel writers and familiarization tours;
    - E) Advertising through newspaper, magazine, radio, or television; and
    - F) Such--other--promotional--activities--which--are coordinated-with-the-Department's-statewide-tourism program--and--advertising--campaign--including--the promotion-of-state-parks;
    - G) Membership dues for tourism related associations or organizations;
    - H) Billboards;
    - I) Bumper stickers, placements, or any type of specialty

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items with Department recognition (see subsection (c)); and

1) Production of videos for use in familiarization or travel/trade industry.

2) Photocopied promotional materials --or--feasibility--and marketing-studies are ineligible for funding.

2) Examples of projects ineligible for promotional funding include, but are not limited to:

A) Any type of photocopied materials;

B) Projects containing paid advertising;

C) Any administrative expenses (stationery, envelopes, phone, rent, supplies, personnel or equipment);

D) Purchase of any alcoholic beverage;

E) Feasibility studies.

c) Department logo Recognition: -Any promotional material resulting from or utilized in conjunction with grants funded under this Program shall display the Department's logo(s) -in its entirety. All projects funded through the grant program must incorporate the current Department logo which identifies the project as being developed in cooperation with the DCCA/Bureau of Tourism. A bureau which fails to include the Department identification (in its entirety) must reimburse the Department for State funds received in support of the project.

d) Matching Funds: --Each bureau shall provide a dollar-for-dollar match-for-funds-received-under-this-program-for-the-bureau's-use-Department-grant-funds; -in-kind contributions; -or -local -funds used-as-match-for-other-federal/state grant programs -will not qualify-as-a-bureau's-match-for-this-program--Match-dollars may be budgeted-to-provide-bureau-support-expenses-which-are-not reflected-in--the--10% --administrative--costs --(see --Section 550-50(b)).-

d) Within 60 days of completion of a project, proof of performance (i.e., copies of vendor invoices; tear sheets; and cancelled checks, both front and back) must be submitted to the Department's LINC-B grant manager along with 10% of all printed material produced with grant funds.

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(Source: Amended at 14 Ill. Reg. 5091-, effective March 20, 1990)

## Section 550.50 Administrative Requirements

- a) Grant Limitation: No bureau shall receive a grant for funds allocated in accordance with Section 550.30(b) in excess of \$275,000 per fiscal year. A bureau may contact the Department for information regarding the amount of funds it is eligible to receive in accordance with Section 550.30.
- b) Administrative Costs: Administrative costs shall be limited to not more than 10% of the grant funds. Administrative costs shall include general overhead costs such as office space, utilities, office supplies, equipment lease/rental, and salaries of administrative or support staff.
- c) Matching Funds: Each bureau shall provide a dollar-for-dollar match for funds received under this program. Bureaus must receive prior Department approval (see Section 550.40(a)) on contractual cooperative project agreements used to satisfy match requirements.
- 1) Eligible match: the following monies, when received through a bureau's budget, may be used as match for state grant funds:
  - A) Local hotel/motel tax.
  - B) Membership dues.
  - C) Interest on local monies, and
  - D) Private funds.
- 2) Ineligible Match:
  - A) In-Kind contributions.
  - B) State or federal funds.
  - C) Match used for other state or federal funds.
- d) Method of Compensation: Payments pursuant to a grant shall be subject to the availability of funds appropriated by the General Assembly.
  - 1) The bureau shall receive grant funds, as stipulated in the grant document, upon approval of its application by the

## NOTICE OF ADOPTED AMENDMENTS

Department and signature of the grant document by both the President/Chairman-of-the Board Executive Director of the bureau or-head-of-local-government; and by the Department.

- 2) A full-time paid, Professional Executive Director, devoting all time to development and growth of tourism within a bureau's region must be in place prior to funds being awarded.
- 3) All grant funds shall be obligated, (with respective vendor), prior to June 30 of the current fiscal year. An overpayment of grant funds (unobligated funds) shall be refunded to the Department, by August 15. In addition, the bureau shall repay the Department for any funds that are determined by the Department through monitoring (subsection (g) below) and audit (subsection (1) below) to have been spent in violation of the grant document.
- 4) All obligations shall be expended prior to September 30.

e) d) Reporting Requirements: The penalty for failure to comply with the timely submission of financial, programmatic, and personnel activity reports (described in subsections f(e)(1) through (3)) shall be the withholding of subsequent monthly grant checks until required reports are filed. The Department reserves the right to request additional information to clarify or document information on financial, programmatic, or personnel activities outlined in the reports.

- 1) Financial Reporting - Quarterly financial status reports shall be due no later than the 30th day of October, January, April and July beginning with the quarter following the effective date of the project. The quarterly financial reports shall specify the grant number, grantee name, grant period, report period, report preparer, contact person's name and phone number, date, and signature of bureau director. Additionally, the quarterly financial reports shall contain the following information which must be broken down between programmatic costs (not to exceed 90% of grant total), administrative costs (not to exceed 10% of grant total), and match costs.

- A) Approved budget amount ,  
B) Grant funds received during the report period,  
C) Expenditures for the report period, and

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Department and signature of the grant document by both the President/Chairman-of-the Board Executive Director of the bureau or-head-of-local-government; and by the Department.

- D) Cumulative expenditures (total of grant expenditures from previous reports, plus expenditures for current grant period).
- 2) Programmatic Reporting - Quarterly Programmatic reports shall be due according to the same schedule specified in subsection f(e)(e). Final programmatic reports shall be due in the Department no later than August-15th September 30th. Quarterly and final reports use the same form. Bureau name, date submitted and indicator for quarterly/final report period shall be specified. Additionally, forms require program activities be reported by project type as follows:
- A) Printed (e.g., brochures, posters) including:
- i) project name,
  - ii) brief description of the project,
  - iii) number of printed items,
  - iv) cost of production/printing,
  - v) distribution network, and
  - vi) project results (documented/anticipated).
- B) Printed Media Advertising including:
- i) name (e.g., newspaper/magazine),
  - ii) brief description of ad subject,
  - iii) number of times run,
  - iv) cost of production/placement,
  - v) distribution network (circulation), and
  - vi) project results (documented/anticipated).
- C) Electronic Media Advertising including:
- i) name (e.g., call letters)/location,
  - ii) brief description of project.

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iii) number of times aired,

iv) cost of production/placement,

v) distribution network, and

vi) project results (documented/anticipated).

## D) Travel/Trade Shows or Conventions/Seminars including:

i) show or convention/seminar name,

ii) brief description of show or convention/seminar,  
expenses (including registration and travel),  
and  
iv) project results (documented/anticipated).

## E) Memberships including:

i) organization name,

ii) brief description of organization,

iii) name of designated member(s),

iv) membership dues, and

v) benefits derived (documented/anticipated).

## F) Sales/Marketing Personnel including:

i) name,

ii) title,

iii) number of contacts made,

iv) means by which contacts were made (e.g., telephone, personal, direct mail), and  
v) results (documented/anticipated).

## G) Miscellaneous Projects (e.g., billboards, speciality

items, familiarization tours) including:  
 i) project name,  
 ii) brief description of project,  
 iii) number of items produced/people attending,  
 etc.,  
 iv) itemized cost of project,  
 v) distribution network, and  
 vi) results (documented/anticipated).

H) Additional Optional Comments: inclusion of additional narrative which the bureau feels may be beneficial to the program.

3) Personnel Activity Reporting - Personnel reports must be completed for each pay period and submitted, on the provided form, according to the schedule specified in subsection (d). Only personnel paid with LTCB grant funds shall be included on this form. The quarterly personnel activity reports must include the following information:

- A) Bureau name,
  - B) Employee name, social security number, and signature,
  - C) Time period covered,
  - D) Supervisor's signature as approval,
  - E) Employee hourly rate,
  - F) Actual hours or percent of time spent on each activity,
  - G) Optional comments, and
  - H) Total hours or percent of time paid from LTCB grant funds.
- f) Financial Management Standards: A bureau's financial management systems shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA) (June 1984). The bureau

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shall be accountable for all funds received under this program. The bureau shall maintain effective control and accountability over all funds, equipment, property, and other assets under the grant as required by the Department. The bureau shall keep records which detail the expenditures of grant funds and accurately document such expenditures.

g) Travel Expenses: Costs in accordance with the latest State of Illinois Department of Central Management Services Travel Regulations (80 Ill. Adm. Code 2800) shall be allowable for expenses of transportation, lodging, per diem, and related items incurred by employees who are in travel status for official business related to the grant program. The bureau shall retain receipts as source documentation for travel expenses of its employees. The bureau shall also submit to the Department a completed report for travel expenses.

h) Monitoring: The Department shall on-site monitor each bureau funded under this program periodically by visits throughout the period covered under the grant agreement. The Department will notify the bureau in writing in advance of monitoring visits. The bureau's marketing Plan shall be evaluated for compliance with terms and conditions of the grant document.

i) Interest on Grant Funds: All interest earned on LRCB funds held by the bureau under the grant shall be returned to the Department. handled-in-accordance-with-the-Illinois-Grant-Funds Recovery-Act-(Title-Rev.-Stat.:19857-ch:1277-pars:2361-etc-seq:);- Any interest -earned-under-the-grant- and not -expended-as -grant principal-during-the-term-of-the-grant- shall-be-returned-to-the Department. --HOWEVER, -INTERESP -EARNED -ON -GRANT -Funds -MAY -BE REPAID -BY -THE -BUREAU -WHEN -THE -COST -OF -ACCOUNTING -FOR -THE INTEREST -OR -ABROGATING -THE -INTEREST -TO -THE -GRANT -IS -MORE -THAN -THE AMOUNT -OF -INTERESP -EARNED.

j) Audits: The bureau shall conduct an audit of all program records which reflect the actual activities conducted and the actual costs and expenses incurred by the bureau using an independent public accountant, certified and licensed by authority of the State of Illinois. The audit shall be conducted in accordance with generally accepted auditing standards adopted by the Codification of Statements on Auditing Standards (January 1983) of the AICPA and must be submitted to the Department within six twelve months of the expiration of the grant. Any bureau determined to have misused program funds (i.e., fraud and abuse, noncompliance with this Part, noncompliance with terms and conditions of grant document) as a result of an audit shall be ineligible to apply for and receive funds under this program for

a period not to exceed two years. The Department shall reserve the right to perform special audits of these funds during normal working hours.

k) Nondiscrimination: The bureau shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act (Ill. Rev. Stat. 1985 1987 and 1988 Supp., ch. 68, Pars. 1-101 et seq.); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the Age Discrimination Act of 1975 (42 U.S.C. 6106-6107); and Title VI of the Civil Rights Act of 1964 (24 CFR 1).

l) Complaint Process: In the case of an -applicant -or grantee complaint, the Department shall follow the procedures outlined in Sections 18-through-15-of-the-Illinois-Administrative-Procedure Act (Title-Rev.-Stat.:19857-ch:1277-pars:1010-1015) 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

m) Bonding: --Bureaus -must -submit -proof -of -bonding -which -identifies bonded -individuals: --Anyone -involved -in handling -receipts -and disbursement -of -funds -under -this -program -shall -be -bonded -for -or less -than -the -total -grant -amount.

n) Nonduplication: Project activities funded under this program shall not duplicate any activity funded by the Tourism matching grant program (14 Ill. Adm. Code 510).

o) Bids Solicitation: Bureaus shall attempt to obtain the lowest bid in implementation of their promotional activities. Bureaus shall -advertise--(erg--newspaper)--throughout--the--respective service-area-describing-the-type-of-work-to-be-contracted-for-or establish-and-maintain-listings-of-suppliers-from-whom-bids-will be -solicited. All purchases, printing and other services in excess of \$2,500.00, acquired with LRCB grant funds, shall be based on the lowest of two or more bids obtained through open bidding. Evidence of compliance with this subsection (i.e. copies of at least two bid proposals) shall be kept-on-file-for monitoring/audit--purposes submitted with project approval request. For any purchasing and/or printing costs where the lowest bid is not accepted, documentation (e.g., project specifications and quality requirements) shall be retained-in-the file--for--monitoring/audit--purposes submitted with project approval request.

p) Bid Rigging/Rotating: The Bureau shall certify that it has not been barred from bidding on or receiving State contracts as a

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result of illegal bid rigging or bid rotating as defined in Sections 33E-3 and 33E-4 of the Criminal Code of 1961 (Ill. Rev. Stat. 1988 Supp., ch. 38, pars. 33E-3 and 33E-4).

p) Separate Account: A separate bank account shall be established for the purpose of this program. Two authorizing signatures shall be required for the account. Only funds received under this program shall be deposited in this account.

q) Suspension and Termination:

- 1) If a bureau has failed to comply with the terms and conditions of the grant document, the Department shall suspend the grant and withhold further payments until the grant is terminated, or the bureau has achieved compliance. The Department will determine that a bureau has failed to comply with the terms and conditions of a grant when:
    - A) The bureau has been notified in writing of the existence of circumstances which the Department considers to be inconsistent with the terms and conditions of the grant (e.g., consistent failure to submit required reports or evidence of fraud and abuse); and
    - B) The bureau fails to develop, submit, and implement a corrective action plan within 45 days of the Department's notice.
  - 2) A grant shall be terminated in the absence of full state funding; if the Department determines that the bureau has failed to comply with the terms and conditions of the grant in whole or in part; or if the Department and the bureau agree to terminate the grant.
- r) Hiring of Staff: Grant funds received under this program may be used for the hiring of staff to conduct promotional activities. The bureau is prohibited from hiring any immediate family member of its current staff utilizing funds under this program. Immediate family members shall include a spouse, mother, father, daughter, and son.
- s) Reallocation of Funds: The grantee shall be required to identify that amount of its grant funds which will not be fully obligated by the end of the fiscal year, on or before May 1 of the current fiscal year. The grant document shall be decreased by the specified amount and such funds shall be reallocated by the Department to grantees who apply for (see application procedures

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specified in Section 550.60(d)) and can utilize available funds by the end of the fiscal year for new promotional projects.

t) Bribery: The grantee certifies to the best of his/her knowledge that no official, agent, or employee of the grantee has been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has any such officer, agent, or employee made an admission of guilt of such conduct which is a matter of record.

u) Personal Profit Statement of Public Officials and Employees

The following contracting requirements shall be observed by the bureaus:

- 1) For local government bureaus: no officer or employee of the bureau, no member of its governing body, and no other public official (i.e., mayor, county board chairman, city manager) of the locality in which the program objectives will be carried out, who exercise any function or responsibility in the review or approval of the undertaking or carrying out of such objectives shall:
  - A) take part in the discussion, deliberation, awarding, or cancellation of any contract negotiated under this grant program which will result in any personal financial profit for the individual or for any corporation, partnership, or association with which he/she is associated (i.e., holds any stock or is a full or partial owner), or
  - B) receives any personal financial profit from such contract or from the work to be performed under such contract.
- 2) For nongovernmental bureaus: any such personal financial profit (as described in subsection t)(1)(B)) for an employee of the bureau, a member of its governing body, or an officer in the corporation, partnership, or association is permissible, provided the Department is notified, in writing, at least ten (10) days prior to the awarding of a contract for work to be performed by said corporation, partnership or association. The officer, employee, or member of the governing body of the bureau so affected shall remove him or herself from the room during any discussion, deliberation, or voting in connection with the awarding of such a contract.

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(Source: Amended at 14 Ill. Reg. 5091, effective March 20, 1990.)

## Section 550.60 Application Process

a) The application procedure consists of a three-step process:

- 1) Public notification by the Department of the amount of funds available for the LTCB program.
- 2) A request for certification.
- 3) An application for grant funds.

b) Each year on or about January 1, the Department shall publish, three separate times, with the first and last notification 10 days apart, in the official state newspaper, a notification which includes the following:

- 1) Amount of funds available under the LTCB program as of July 1.
- 2) That applicants must contact the Department to obtain criteria for certification under the Act.
- 3) That applicants must submit a request by March 31 for certification by the Department as the entity entitled to receive those funds under the Act.

## c) Request for Certification

1) Any previously certified bureau seeking the Department's certification shall submit to the Department each year, a request for certification which includes the following:

- A) Articles of incorporation as a not-for-profit corporation organized prior to January 1, 1985 under the General Not-For-Profit Corporation Act (111. Rev. Stat. 1985, ch. 32, pars. 163a et seq.) or a statement/resolution signed by the head of the unit(s) of local government which the bureau represents;
- B) a statement of its intent to apply for consideration of certification;
- C) a statement that it employs a full-time paid professional executive director/chief executive officer that devotes all time to development and

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- growth of tourism within the bureau's region;
- D) a statement listing the city(ies), town(s) or county(ies) in its service area;
  - E) data on the number of current hotel/motel rooms in the proposed service area for consideration in the funding formula.
  - 2) Any potential applicant, not previously certified in the program, seeking certification as a local tourism and convention bureau shall submit the materials described in subsections(c)(1)(A) through (e)(E) and the following:
  - A) a statement including a description of its history, describing previous efforts to further the growth of the State's travel industry as evidenced by documentation of previous promotional activities (e.g. brochures or pamphlets used to encourage visits or visitors to and through Illinois);
  - B) a statement that it employs or intends to hire a full-time paid, professional executive director/chief executive officer that devotes all time to development and growth within the bureau's region prior to receiving grant funds;
  - C) a certified copy of the financial report (e.g., year end audit) dated prior to January 1, 1985, to satisfy the program match requirement.
  - 3) ~~two-weeks~~ 30 days after receipt deadline of all requests for certification under Section 550.60(b) the Department shall send a notice to each bureau seeking certification informing the bureau of its status.
  - A) When a single local bureau seeks certification and has submitted all documentation required in subsections(c)(1) and (2), such bureau shall be certified by the Department and the Department shall send notification of certification, amount of potential funds available in the respective service area, and an application for grant funds.
  - B) When more than one local bureau seeks certification for the same city, town or county, the Department shall send each a request for proposal (RFP). Proposals shall require the following information

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which shall be given equal weight in the evaluation of each proposal:

- i) bureau's background, organization, experience and staff qualifications,
- ii) a detailed marketing plan which includes such items as a description of activities contemplated by the bureau, objectives (long and short-term), methodology used to measure program effectiveness, intended audience, distribution targets for promotional materials, and projected economic impact and benefit to tourism, and
- iii) any marketing or feasibility studies in support of the plan.

c) Within fifteen (15) days of receipt of the RFP's, the Department shall notify in writing each local bureau of certification determinations.

- i) The Department shall send written notification of certification, amount of potential funds available in the respective service area, and an application for grant funds to the certified bureau, and notify all other applicants of the determination.

ii) A bureau which is not certified shall have the right to appeal the Department's certification decision to the Director within ten (10) calendar days after receipt of such notice. The request for review shall be submitted in writing to the Department and shall contain the reasons for appeal and any additional tourism related information the applicant chooses to submit in support of their appeal. The Director shall render a decision no later than fifteen (15) calendar days thereafter. The Director shall make his determination based upon his review of the information required by Section --550-08 subsection(c)(3)(B) and any additional material submitted by the applicant with their appeal.

d) Application by Certified Bureaus for Funds Under the Act:

- 1) All certified bureaus shall complete an application for funding. The bureau shall retain one copy and submit three copies of the application to the Manager of the Local Tourism and Convention Bureau Program. Failure to provide any information requested in the application will result in the application not being processed. A certified bureau's application for funding under the Local Tourism and Convention Bureau Program must include the following information:
- A) Full-time local bureau executive director's name, salary, and length of employment with bureau.
  - B) A marketing plan detailing all activities to be initiated and funded through the LTCB grant during the fiscal year.
  - C) Objectives which identify actual end results to be achieved through the marketing plan within specific time frames.
  - D) Performance indicators and timelines which list the method of measuring objectives and time frames for completion of individual objectives.
  - E) Targeted geographical and demographical audiences anticipated to be reached with specific programs.
  - F) Method and location of distribution of printed promotional materials (e.g., Welcome Centers, Information Centers, direct mail, electronic media promotions, etc.).
  - G) Economic impact indicators addressing the anticipated economic impact of the individual objectives of the marketing plan (e.g., the percentage of the increase of both business and tourist visitors to the area).
  - H) Area to be served, such as municipality(ies), county(ies), etc. All letters of designation from chief elected officials (e.g., mayors, city managers, county board chairpersons), etc., must be submitted with the original application.
  - I) Itemized budget for activities proposed for funding under LTCB monies only.
  - J) Local operating budget based on state fiscal year.

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Only match funds shall be reflected on this form.

- K) Name of the financial institution that serves as the depositor for LTCB grant funds.
- L) Fund account number for LTCB grant funds.
- M) Two names and sample signatures for those names which will be required to authorize all account transactions. Local Tourism and Convention Bureau grant funds must be deposited in an interest bearing account.
- N) Name and sample signature for individuals designated as authorized signatures for grant awards, invoice vouchers, and expenditure summary and payment request forms.
- 2) Upon receipt of applications from certified bureaus the Department shall review the applications and
- A) grant the full amount requested, or
- B) ask for additional information to clarify or document the information contained in the application, and/or
- C) reduce the amount of funds requested if there are not sufficient funds available to match the full amount, or the projects presented in the marketing plan do not focus on important tourism promotional activities and have little substance, i.e., no media promotions planned, no promotional materials being developed, the projects are not reasonable and are not consistent and workable and the applicant cannot effectively carry out the projects. In the event that funding of a grant request is lowered, the bureau(s) shall be entitled to appeal to the Director of the Department within 10 days. The request for review shall be submitted in writing to the Director and shall contain the reasons for appeal and any additional tourism related information the bureau chooses to submit in support of their appeal. The Director shall make his decision based upon the criteria previously specified in this subsection and any additional material submitted by the bureau with their appeal. The Department shall notify these bureaus in writing of its decision within 15 days of receipt of their appeal.

1) Heading of the Part: Rights and Privileges

2) Code Citation: 20 Ill. Adm. Code 525

3) Section Numbers:

Amend

525.150

4) Statutory Authority: Implementing and authorized by Sections 3-2-2(d) and (i) and 3-7-4 of the Unified Code of Corrections (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 38, pars. 1003-2-2(d) and (i) and 1003-7-4).

5) Effective Date of Rule(s) (Amendments, Repealer): April 1, 1990

6) Does this rulemaking contain an automatic repeal date? Yes

No

7) Does this rule (amendment, repealer) contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: March 13, 1990.

9) Notice(s) of Proposal Published in Illinois Register:

November 27, 1989  
(issues date)

13 Ill. Reg. 18052

10) Has JCAR issued a Statement of Objections to this(theses) rule(s)? No.

11) Difference(s) between proposal and final version: None.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were required.

13) Will this rule (amendment, repealer) replace an emergency rule (amendments, repealer) currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rule(s) (Amendments, Repealer): This rule is being promulgated to promote the safety and security of committed persons, the facility, and the public. The rule informs committed persons and the public that committed persons' telephone calls are subject to monitoring and recording at any time, except as indicated in the rule.

## DEPARTMENT OF CORRECTIONS

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## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

Name: William H. Craine, Ph.D., Deputy Director  
 Department of Corrections  
 1301 Concordia Court  
 P. O. Box 19277  
 Springfield, Illinois 62794-9277

Telephone: 217/522-2666

The full text of the Adopted Rule(s) (Amendments) begins on the next page:

DEPARTMENT OF CORRECTIONS  
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**TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT**  
**CHAPTER I: DEPARTMENT OF CORRECTIONS**  
**SUBCHAPTER e: OPERATIONS**

**PART 525**  
**RIGHTS AND PRIVILEGES**

**SUBPART A: VISITATION**

Section	Applicability
525.10	Definitions
525.12	Responsibilities
525.15	Visiting Privileges
525.20	Clergy Visitation
525.30	Attorney Visitation - Adult and Community Services Divisions
525.40	Attorney Visitation - Juvenile Division (Court Agreement)
525.50	Restriction of Visitors
525.60	

**SUBPART B: MAIL AND TELEPHONE CALLS**

Section	Applicability
525.100	Definitions
525.110	Responsibilities
525.115	Processing of Mail
525.120	Outgoing Mail
525.130	Incoming Mail
525.140	
525.150	Telephone Privileges

**SUBPART C: PUBLICATIONS**

Section	Applicability
525.200	Definitions
525.202	Responsibilities
525.205	General Guidelines
525.210	Publications Review Committee
525.220	Appeal Process for Non-Approved Publications
525.230	

**SUBPART D: MARRIAGE OF COMMITTED PERSONS**

Section	Applicability
525.300	Definitions
525.302	Responsibilities
525.305	Request for Permission to Marry
525.310	

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

**AUTHORITY:** Implementing Sections 3-2-2(d) and (i), 3-7-1, 3-7-2, 3-7-4, 3-8-7 and 3-10-8 of the Unified Code of Corrections (111. Rev. Stat. 1987 and 1988 Supp., ch. 38, pars. 1003-2-(a) and (i), 1003-7-1, 1003-7-2, 1003-7-4, 1003-8-7 and 1003-10-8) and Section 1-3(9) of the Juvenile Court Act of 1987 (111. Rev. Stat. 1988 Supp., ch. 37, par. 801-3(9)) and authorized by Sections 3-2-2, 3-7-1, and 3-7-4 of the Unified Code of Corrections (111. Rev. Stat. 1987 and 1988 Supp., ch. 38, pars. 1003-2-2, 1003-7-1, and 1003-7-4). Subparts A and C are also implementing Consent Decrees ("Tillman vs. Rose, #77 C 1008, N.D. Ill. 1977 and Green vs. Siehoff, #71 C 1403, N.D. Ill. 1973 and amended 1976").

**SOURCE:** Adopted at 8 Ill. Reg. 14598, effective August 1, 1984; amended at 9 Ill. Reg. 10728, effective August 1, 1985; amended at 11 Ill. Reg. 16134, effective November 1, 1987; amended at 12 Ill. Reg. 9664, effective July 1, 1988; amended at 14 Ill. Reg. 5114 \_\_\_\_\_, effective April 1, 1990.

**Section 525.150 Telephone Privileges**

- a) Telephone privileges shall be granted to the committed person in accordance with his institutional status. Each committed person qualifying for telephone privileges may place collect calls to anyone in the free community anywhere in the continental United States. However, calls to parolees or ex-offenders require approval by the Chief Administrative Officer.
  - b) In the case of valid emergencies, such as critical illness or death in a committed person's immediate family, consideration shall be given to allowing a special telephone call, regardless of the individual's institutional status.
  - c) Committed persons who are the subject of a new criminal indictment, information or complaint shall be permitted to make reasonable telephone calls to attorneys for the purpose of securing defense counsel, regardless of the individual's institutional status.
  - d) All committed persons' telephone calls shall be subject to monitoring and recording at any time by departmental staff, unless prior special arrangements have been made to make or to receive confidential telephone calls to or from their attorneys.
  - e) Notices shall be posted at each telephone from which committed persons are normally permitted to place calls and in the committed persons' orientation manual. The notices shall state that committed persons' telephone calls may be monitored and/or recorded.
- (Source: Amended at 14 Ill. Reg. 5114 \_\_\_\_\_, effective April 1, 1990)
- 
- ILLINOIS REGISTER 5118  
90
- BOARD OF HIGHER EDUCATION  
NOTICE OF ADOPTED RULES
- 1) The Heading of the Part: Capital Improvement Grants to Nonpublic Institutions of Higher Learning for Science and Technology
  - 2) Code Citation: 23 Ill. Adm. Code 1036
  - 3) Section Numbers:
 

Adopted Action:	
New Section	1036.10
New Section	1036.20
New Section	1036.30
New Section	1036.40
New Section	1036.50
New Section	1036.60
New Section	1036.70
  - 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 144, pars. 1331, 1332 and 1336.
  - 5) Effective Date of Rules: March 12, 1990
  - 6) Does this rulemaking contain an automatic repeal date? No.
  - 7) Does this rule contain incorporations by reference? No.
  - 8) Date Filed in Agency's Principal Office: March 7, 1990
  - 9) Notice of Proposal Published in Illinois Register: October 20, 1989, 13 Ill. Reg. 16234
  - 10) Has JCAR issued a Statement of Objections to these rules? No.
  - 11) Difference(s) between proposal and final version:
 

Authority Note: the wording "Section 1, 2, and 6 of" was added and the statutory reference was changed to pars. 1331, 1332 and 1336.

Subsection 1036.20: In the definition of "Institution," the statutory citation to the Illinois Financial Assistance Act was added at the end of the definition.

Subsection 1036.30(f): the language "as provided for in Subsection 1036.50(b)(5), (6)" appearing after the word "Education" was deleted.

Subsection 1036.50(b)(6): the further subsections were revised from lower case letters to upper case letters to conform to Code requirements.

Subsection 1036.50(b)(7): the further subsections were revised from lower case letters to upper case letters to conform with Code requirements; the word "and" was deleted at the end of "(B)" and language was added, "(D)" any grant funds received by the grantee for which the grantee is subsequently determined not to be eligible."

Section 1036.60: the "a" was removed and the text was moved to flush left margin.

ILLINOIS REGISTER  
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Subsection 1036.70(a): the reference to Section 1036.50(b)(4) was corrected to read Section 1036.50(b)(6).  
 Subsection 1036.70(b): the word "certified" was changed to "executed".  
 Subsection 1036.70(f): the reference to Section 1037.50(b)(4) was corrected to read 1036.50(b)(6) and the reference to Public Act 86-0602 was corrected to read "...as provided by the Illinois Grant Funds Recovery Act, (Ill. Rev. Stat. 1987, ch. 127, par. 2302, as amended by Public Act 86-602, effective January 1, 1990).

- Subsection 1036.70(g)(4) was added to read as follows: "Any grant funds received by the grantee for which the grantee is subsequently determined not to be eligible."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this rule replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rule: The purpose of this part is to provide for the distribution of matching grants to nonpublic Illinois institutions of higher learning for capital improvement projects to improve facilities used for instruction and research in science and technology.
- 16) Information and questions regarding this adopted rule shall be directed to:

Carolyn Lorton, Assistant Director  
 Illinois Board of Higher Education  
 500 Reisch Building  
 4 West Old Capitol Square  
 Springfield, Illinois 62701  
 217/782-2551

The full text of the Adopted Rule begins on the next page:

ILLINOIS REGISTER

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
 SUBTITLE A: EDUCATION  
 CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1036  
 CAPITAL IMPROVEMENT GRANTS TO NONPUBLIC INSTITUTIONS OF HIGHER LEARNING  
 FOR SCIENCE AND TECHNOLOGY

Section	1036.10	Purpose
	1036.20	Definitions
	1036.30	Eligibility for Science and Technology Grants
	1036.40	Application Requirements
	1036.50	Grant Agreement
	1036.60	Funding Formula
	1036.70	Audit Guidelines

- AUTHORITY: Implementing and authorized by Sections 1, 2, and 6 of the Illinois Financial Assistance Act for Nonpublic Institutions of Higher Learning (Ill. Rev. Stat. 1987, ch. 144, pars. 1331, 1332, and 1336).
- SOURCE: Adopted at 14 Ill. Reg. 5118 \_\_\_\_\_, effective 3/12/90.
- Section 1036.10 Purpose
- The purpose of this Part is to provide for the distribution of matching grants to nonpublic Illinois institutions of higher learning for capital improvement projects to improve facilities used for instruction and research in science and technology.
- Section 1036.20 Definitions

"Board" means the Illinois Board of Higher Education.

"Eligible Degrees" means the number of associate, baccalaureate, masters, and first professional degrees conferred in science and technology fields as determined by the Board based upon submissions for the Board's Degrees Conferred Survey and other documentation as requested by the Board for clarification or substantiation in the event that material submitted by an applicant institution is incomplete or not of sufficient detail.

"Grant period" means the twenty-four month period of time specified in the grant agreement.

## BOARD OF HIGHER EDUCATION

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"Institution" means a nonpublic institution of higher learning located in this State which offers associate, baccalaureate or post-baccalaureate degrees, and which is operating privately, not-for-profit and in conformity with standards substantially equivalent to those of the state-supported institutions of higher learning, for example as evidenced by the transferability of credits to state-supported institutions. "Institution" does not include any educational organization used for sectarian instruction, is a place of religious teaching or worship or for any religious denomination or the training of ministers, priests, rabbis or other professional persons in the field of religion. (Section 2 of "The Illinois Financial Assistance Act for Nonpublic Institutions of Higher Learning" (the Act), Ill. Rev. Stat. 1987, ch. 144, par. 1332.)

"Matching funds" means monies which are allocated for expenditure for a science and technology project supported by this grant program, provided such funds are not used to support any other purpose and are not appropriated by the General Assembly or do not result from tuition, fees, or other student assessment.

"Science and technology fields" means one or more of the following program areas as determined by the Board: computer and information sciences, engineering, engineering related technologies, health sciences, clinical programs, life sciences, mathematics, physical sciences, and science technologies.

"Science and technology project" means a capital improvement project directly related to areas used for instruction or research in science and technology fields and which falls into one of the following categories:

"Buildings or Additions" which means a capital improvement that involves the construction of a new facility or building addition.

"Remodeling" which means a capital improvement that has the primary objective of restoring or upgrading a structure or facility to its original operating condition or improving the existing functional capability or capacity of the structure or facility.

## Section 1036.30 Eligibility for Science and Technology Grants

- a.) Institutions eligible to apply for Science and Technology Grants are those defined in Section 1036.20.

## BOARD OF HIGHER EDUCATION

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- b.) Grants will be awarded for science and technology projects that directly relate to instruction or research in science and technology fields.
- c.) Grants will be awarded for constructing new facilities or building additions that will be owned and used by the institution and not leased to a second party.
- d.) Grants will be awarded for remodeling on-campus, nonresidential space owned and used by the institution and not leased to a second party.
- e.) Grants shall not be awarded for any project on real property or facilities used for sectarian purposes.
- f.) No grant will be made to any institution that has not submitted required application documents or that has not made required refunds, if any, for grant programs administered by the Board.

## Section 1036.40 Application Requirements

- a.) Applications for science and technology projects shall include the following:
  - 1) A list of proposed project(s) with a description and estimated cost for each project;
  - 2) An explanation of how the project(s) will enhance current instruction and research in science and technology fields;
  - 3) An explanation of the relationship of the project(s) to institutional goals for instruction and research in science and technology fields; and
  - 4) The amount and source of matching funds earmarked for the science and technology project.
- b.) The Board shall review application documents of all institutions for compliance with the application and eligibility requirements. The Board may request additional documents or a meeting between its staff and institutional representatives to discuss questions about applicant documents. In the event that material submitted by an applicant institution is incomplete or not of sufficient detail to provide an understanding of the proposed project or its justification, the Board would request additional information for clarification or substantiation.

## Section 1036.50 Grant Agreement

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED RULES

- a) Once the Board has approved a grant, the institution and the Board shall execute a grant agreement.
- b) Such agreement shall:
  - 1) be signed by the chief executive officer or chairman of the institution's board;
  - 2) specify the twenty-four month period of time for which the grant is valid and during which grant funds may be expended by the institution;
  - 3) specify the matching funds requirement;
  - 4) provide assurance that matching funds are not being used to support other projects;
  - 5) provide that any project funded under the grant shall not commence prior to the date specified in the grant agreement;
  - 6) provide that the institution shall contract with external auditors to conduct an audit of the expenditure of grant funds provided under this program and matching funds at the end of the grant period to verify the following:
    - A) the number of eligible degrees awarded upon which the grant is based;
    - B) that grant funds and matching funds were expended pursuant to the grant agreement and not for sectarian purposes; and
    - C) the actual amount of matching funds claimed by the institution for the science and technology project(s) supported under this program;
  - 7) provide that the institution shall make refunds to the State of Illinois for the following reasons:
    - A) grant funds not expended;
    - B) grant funds expended for purposes not covered under the grant agreement;
    - C) when matching funds expenditures are less than state grant fund expenditures; and
    - D) any grant funds received by the grantee for which the grantee is subsequently determined not to be eligible.

- a) comply with the terms of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1987, ch. 127, pars. 2301 et seq., as amended by Public Act 86-602, effective January 1, 1990).
- b)

## Section 1036.60 Funding Formula

A minimum grant of \$20,000 will be allocated to each institution determined to be eligible under this Part. The remainder of the appropriation for this program will be allocated in accordance with a formula based on the most recent two year average of the number of eligible degrees conferred in science and technology fields with double credit being given to baccalaureate degrees, and triple credit being given to graduate and first professional degrees at such institutions.

## Section 1036.70 Audit Guidelines

- a) To fulfill audit requirements in Section 1036.50(b)(6) an institution shall contract with an external auditor who is registered as a public accountant by the Illinois Department of Professional Regulation. The cost of the audit is an authorized use of grant funds.
- b) The auditors shall obtain copies of the following grant documents:
  - the institution's application; the executed grant agreement; copies of the Board's Degrees Conferred Surveys used to determine the number of eligible degrees; and a copy of this Part.
- c) The auditors shall verify the claim of eligible science and technology degrees awarded.
- d) The auditors shall verify the expenditure of grant funds and matching funds as provided for in this Part, and shall ensure that such funds were expended on project(s) listed in the grant agreement.
- e) The auditors shall verify that renovation of sectarian facilities has not been supported by grant funds.
- f) The auditors shall provide an audit including a description of the tests performed and the audit findings to the Board of Higher Education within 90 days of end of the grant period or within 90 days of the end of an institution's fiscal year for institutions electing to fulfill audit requirements in Section 1036.50(b)(6) as part of their annual audit as provided by the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1987, ch. 127, par. 2302, as amended by Public Act 86-602, effective January 1, 1990).

## BOARD OF HIGHER EDUCATION

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- g) Refunds shall be made to the State by the institutions for the following reasons:
- 1) Grant funds not expended.
  - 2) Grant funds expended for purposes not covered under the grant agreement.
  - 3) When matching funds expenditures are less than state grant fund expenditures.
  - 4) Any grant funds received by the grantee for which the grantee is subsequently determined not to be eligible.

- DEPARTMENT OF EMPLOYMENT SECURITY  
NOTICE OF ADOPTED AMENDMENTS
- Heading of the Part: Administrative Hearings And Appeals  
Code Citation: 56 Ill. Adm. Code 2725  
Section Number: 2725.100      Adopted Action: Amended Section
- Statutory Authority: Ill. Rev. Stat. 1987, ch. 48, pars. 451, 452, 453, 456, 571, 571.1, 572, 572.1, 578, 579, 580, 610, 611, 680, 681, 683, 700, 702, 703, 704 and 705, as amended by P. A. 86-3, effective July 1, 1989).
- Effective Date of the Amendment: March 22, 1990.
- Does this rulemaking contain an automatic repeal date? No.  
Does this Rule contain an incorporation by reference? No.  
Date filed in Agency's Principal Office: March 14, 1990.  
Notice of Proposal published in Illinois Register:  
December 22, 1989 at 13 Ill. Reg. 19841.  
Has JCAR issued a Statement of Objection to these Rules? No.  
Difference between proposal and final version: In subsection (b)(1), "at a hearing," must" is added after "must allege this fact and" and "lack of" is substituted for "that the Agency did not mail such" in the next line. "And sufficient" is deleted from subsection (b)(2). New subsection (b)(3) is added and subsection (b)(3) and subsection (b)(4) are renumbered to (4) and (5), respectively; in subsection (c), "be shall" is corrected to "shall be"; and a citation to the Administrative Review Law is added at the end of subsection (c).  
Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.  
Will this replace an emergency rule currently in effect? No.  
Are there any amendments pending on this Part? No.  
Summary and purpose of the rules: This amendment brings this rule into conformity with the Illinois Supreme Court's decision in Carson, Pirie, Scott and Co. v. Ill. Dept. of
- 1) Heading of the Part: Administrative Hearings And Appeals  
2) Code Citation: 56 Ill. Adm. Code 2725  
3) Section Number: 2725.100      Adopted Action: Amended Section  
4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 48, pars. 451, 452, 453, 456, 571, 571.1, 572, 572.1, 578, 579, 580, 610, 611, 680, 681, 683, 700, 702, 703, 704 and 705, as amended by P. A. 86-3, effective July 1, 1989).  
5) Effective Date of the Amendment: March 22, 1990.  
6) Does this rulemaking contain an automatic repeal date? No.  
7) Does this Rule contain an incorporation by reference? No.  
8) Date filed in Agency's Principal Office: March 14, 1990.  
9) Notice of Proposal published in Illinois Register:  
December 22, 1989 at 13 Ill. Reg. 19841.  
10) Has JCAR issued a Statement of Objection to these Rules? No.  
11) Difference between proposal and final version: In subsection (b)(1), "at a hearing," must" is added after "must allege this fact and" and "lack of" is substituted for "that the Agency did not mail such" in the next line. "And sufficient" is deleted from subsection (b)(2). New subsection (b)(3) is added and subsection (b)(3) and subsection (b)(4) are renumbered to (4) and (5), respectively; in subsection (c), "be shall" is corrected to "shall be"; and a citation to the Administrative Review Law is added at the end of subsection (c).  
12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.  
13) Will this replace an emergency rule currently in effect? No.  
14) Are there any amendments pending on this Part? No.  
15) Summary and purpose of the rules: This amendment brings this rule into conformity with the Illinois Supreme Court's decision in Carson, Pirie, Scott and Co. v. Ill. Dept. of

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENTS

Employment Security, No. 66617, decided on September 20, 1989, corrects some punctuation errors and adds a subsection for benefit charging which parallels the subsection on benefit wage charging.

- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Stella Adams Cuthbert, Commissioner  
 Illinois Department of Employment Security  
 401 South State Street - 2 South  
 Chicago, Illinois 60605  
 312/793-4240

The full Text of the Adopted Amendments begins on the next page:

NOTICE OF ADOPTED AMENDMENTS		DEPARTMENT OF EMPLOYMENT SECURITY		ILLINOIS REGISTER	
				5128 90	
		NOTICE OF ADOPTED AMENDMENTS			
		TITLE 56: LABOR AND EMPLOYMENT CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY SUBCHAPTER a: GENERAL PROVISIONS			
16)	Information and Questions regarding these Adopted Amendments may be addressed to:			PART 2725 ADMINISTRATIVE HEARINGS AND APPEALS	
		SUBPART A: GENERAL PROVISIONS		SUBPART B: FILING OF APPLICATIONS AND CLAIMS FOR RELIEF	
		Section			
		2725.1 Definitions	2725.10 Application For Revision Of Statement Of Benefit Wages Or Of Statement Of Benefit Charges		
		2725.3 Burden Of Proof	2725.105 Application For Review Of Rate Determination		
		2725.5 Designation Of Agents	2725.110 Protest Of Determination And Assessment		
		2725.10 Computation Of Time	2725.115 Claim For Adjustments (Credits) And Refunds		
		2725.15 Disqualification Of Agency Employee Request For Clarification	2725.120 Application For Cancellation Of Benefit Wages Or Benefit Charges Due To Lack Of Notice		
		2725.20 Form Of Papers Filed	2725.25		
				SUBPART C: APPEAL TO DIRECTOR'S REPRESENTATIVE	
				2725.200 Filing Of Appeal	
				2725.205 Pre-Hearing Conference	
				2725.210 Notice Of Hearing	
				2725.215 Preparation For The Hearing	
				2725.220 Telephone Hearings	
				2725.225 Ex Parte (One Party Only) Communications Subpoenas	
				2725.230 Depositions	
				2725.232 Consolidation Or Severance Of Proceedings Withdrawal Of Petition For Hearing	
				2725.235 Continuances	
				2725.240 Conduct Of Hearing	
				2725.245 Rules Of Evidence	
				2725.250 Oral Argument-Memoranda-Post Hearing Documents	
				2725.255 The Record	
				2725.260	
				2725.265	

## NOTICE OF ADOPTED AMENDMENTS

2725.270 Recommended Decision  
 2725.275 Objections To Recommended Decision  
 2725.280 Decision Of Director

**AUTHORITY:** Implementing and authorized by Sections 701, 702, 703, 706, 1501.1, 1502, 1502.1, 1508, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2301, 2302, 2304 and 2305 of the Unemployment Insurance Act (Ill. Rev. Stat. 1987, ch. 48, pars. 451, 452, 453, 456, 571, 571.1, 572, 572.1, 578, 579, 580, 610, 611, 680, 681, 683, 700, 702, 703, 704 and 705, as amended by P. A. 86-3, effective July 1, 1989).

**SOURCE:** Adopted at 11 Ill. Reg. 11065, effective July 1, 1987; amended at 12 Ill. Reg. 14653, effective September 6, 1988; amended at 12 Ill. Reg. 16060, effective September 23, 1988; emergency amendments at 13 Ill. Reg. 11872, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17383, effective October 30, 1989; amended at 14 Ill. Reg. 5126, effective March 22, 1990.

## SUBPART B: FILING OF APPLICATIONS AND CLAIMS FOR RELIEF

Section 2725.100 Application For Revision Of Statement Of Benefit Wages Or Of Statement Of Benefit Charges

a) Applications for Revision of the Statement of Benefit Wages or the Statement of Benefit Charges must be filed at the address specified on such Statement, within 45 days of the mailing of such Statement, as provided in Section 1508 of the Act.

b) An Ineligible Application shall set forth: the name and Social Security account number of each claimant whose benefit wages or benefit charges are contested; the amount of benefit wages or benefit charges contested; the year and quarter of the Statement contested; and, in some cases (see subsection (1) below), a statement of facts providing the basis for relief upon which the employer relies in its Application.

- 1) If the employer is charged benefit wages and did not receive notice of the claim, despite the Agency's record of the mailing date of a "Notice of Finding to a Base Period Employer" (BIS-305) shown

on the Statement of Benefit Wages (Ben-118), the employer must allege this fact and, at a hearing, must prove states-this-fact; lack of notice and must show the reasons why the payment of benefits to the claimant for the weeks charged, or the charging of benefit wages to the employer, is improper.

- A) If an employer was served with a Notice of Finding or Reconsidered Finding (BIS-305) pursuant to Section 701 or 703 of the Act, the employer may not object to the benefit wages on the basis that the employer was not an employer during the base period of the claimant, that the claimant was not performing services in employment for the employer or that the wages as shown on such finding are incorrect.
- B) If an employer was served with a Notice of Finding (BIS-305), the employer's remedy for relief of the benefit wages is an appeal of the finding pursuant to Section 800 of the Act or a request for reconsideration of the finding pursuant to Section 703 of the Act with the Claims Adjudicator at the local office where the claimant filed for benefits.
- C) If the finding is subsequently modified or reversed, the benefit wages will be modified or cancelled, as appropriate, through the operation of Section 706 of the Act. (See 56 Ill. Adm. Code 2720.)
- 2) If an employer alleges that the benefit wages or benefit charges arose from the payment of benefits to a claimant for weeks of eligibility to which the employer was entitled to notice of a determination pursuant to Sections 702 or 703 of the Act, and was not notified of such determination of eligibility and the claimant was improperly paid benefits, the employer must show that it filed in response to notice of the claim, a timely (see 56 Ill. Adm. Code 2720.30) -and-sufficient Notice of Possible Ineligibility or letter in lieu thereof alleging that the claimant was ineligible for benefits for

## DEPARTMENT OF EMPLOYMENT SECURITY

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the weeks charged and did not receive a determination of eligibility or decision holding the Notice of Possible Ineligibility or letter in lieu thereof as insufficient or untimely.

A) A copy of the allegedly unanswered Notice of Possible Ineligibility or letter in lieu thereof ~~must~~ should, if possible, be included with the Application, together with any subsequent documentation where applicable, such as a Referee or Board of Review decision holding the Notice of Possible Ineligibility as sufficient.

B) If the employer did not file a timely and sufficient Notice of Possible Ineligibility or letter in lieu thereof (pursuant to 56 Ill. Adm. Code 2720.130) in response to the notice of claim or if a determination of eligibility was served upon the employer, ~~the-employer-may-not-object-to-the-benefit wages-or-benefit-charges-that-arose-from-the determination-of-eligibility-for-benefits paid-to-the-claimant-for-the-weeks-charged-in-such-a-case,~~ the employer's remedy is to request a reconsidered determination from the local office Claims Adjudicator where the claimant filed for benefits, pursuant to Section 703 of the Act or to file an appeal to the determination under Section 800 of the Act.

C) If the determination of eligibility for the weeks charged is reversed, the employer will receive appropriate relief from the benefit wages or from the benefit charges through the operation of Section 706 of the Act.

3) If the employer is charged for benefits and claims that it was not sent a notice that a claim was filed, the employer must allege this fact and, at a hearing, must prove lack of notice and must show the reasons why the payment of benefits to the claimant for the weeks charged is improper.

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENTS

- A) If an employer was served with a notice that a claim was filed, the employer's remedy for relief of the benefit charges is its protest of the claimant's eligibility pursuant to section 800 of the Act or a request for reconsideration of a determination pursuant to section 703 of the Act with the Claims Adjudicator at the local office where the claimant filed for benefits.
- B) If the determination is subsequently modified or reversed, the benefit charges will be modified or cancelled, as appropriate, through the operation of Section 706 of the Act. (See 56 Ill. Adm. Code 2720).
- 34) When the employer alleges that a clerical error was made by the Agency, the nature of the clerical error and its effect on the benefit wages or benefit charges must be clearly stated. A copy of the material bearing the error must accompany the Application.
- 45) Where the employer alleges that the benefit wages are non-chargeable because part-time work provided by the employer during the claimant's base period was continued into the applicable benefit year pursuant to Section 1501F of the Act, there must be a specific allegation that the employer provided during the applicable benefit year substantially the same part-time work as he did during the base period of the claimant. In determining whether the part-time work is substantially the same as provided in the base period, consideration shall be given to the number of hours worked and the amount of wages earned. The employer must furnish information to support the allegations, which may include a record of earnings and working hours in each calendar week following the initial claim during the period covered by the Statement of Benefit Wages (Ben-118) and an equivalent record showing that earnings and working hours are on the same basis and substantially

## DEPARTMENT OF EMPLOYMENT SECURITY

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the same amount as during the base period of the claimant while performing services for the employer.

- c) An Application which does-not-specify-the-factual-basis for relief-seek-or-otherwise-fails to meet the criteria in subsection (a)-and-(b)(1) thru (4) shall be ruled insufficient, and the Director shall serve notice of such ruling and the basis therefor upon the employer. The ruling shall be final and conclusive unless the employer files, within 20 days of the date of mailing of the ruling, a written objection or a revised Application for Revision of the Statement of Benefit Wages or Statement of Benefit Charges, specifically responding to the reasons the original Application was ruled insufficient. The written objection or revised Application be reviewed and, if sufficient, an order issued. An employer disagreeing with such order may appeal to a Director's Representative under Subpart C of this Part if such appeal is taken within 20 days of the date of mailing of the order. If the written objection or revised Application is still found to be insufficient, it shall again be ruled insufficient, and such ruling shall be final and subject to review under the State's Administrative Review Law (Ill. Rev. Stat., 1987, ch. 110, pars. 3-110 et seq.).

- 1) Where an employer alleges that benefit wages should have been transferred from such employer's account to the next subsequent employer pursuant to Section 1501F of the Act, reference must be made to, and a copy furnished of, the Notice of Claims Adjudicator's Decision (Ben-135) or the Director's Decision, which is the basis for the requested transfer.

- A) No transfer of benefit wages may be initiated through an Application for Revision of Statement of Benefit Wages but must be requested from the Claims Adjudicator at the local office where the claim was filed.
- B) If an employer has previously submitted a request for transfer of benefit wages with the local office, it should resubmit the

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request with proof of filing the original request.

- 2) Where an employer alleges that a claimant was not an unemployed individual under Section 239 of the Act during a period when such claimant was paid benefits, no relief shall be available under Section 1508 of the Act, but the matter shall be referred to the local office where the claimant last filed a claim for benefits for investigation to which such employer shall be a party. If the claimant is determined ineligible, appropriate relief will be granted to such employer under Section 706 of the Act.
- 3) Where an employer alleges that his Statement of Benefit Charges is incorrect because it is not the chargeable employer pursuant to Section 1502.1 of the Act, such Application must contain a reference to and a copy of the decision which reverses the claims adjudicator and holds that the employer is not the chargeable employer. Unless the employer has filed a timely request for reconsideration to the decision that the claims adjudicator has found it to be the chargeable employer, pursuant to 56 Ill. Adm. Code 2765.325 or 2765.326, such employer shall not be entitled to a revision of its "Statement of Benefit Charges".
- d) Upon receipt of a sufficient Application, the Application shall be ordered allowed or denied in whole or in part and notice of such order stating the basis therefor shall be mailed to the employer. Such application will be allowed in part and denied in part where the employer has contested multiple benefit wages or benefit charges but has made sufficient allegations on some but not all. Such order shall become final and conclusive at the expiration of 20 days from the date of mailing of such order, unless the employer shall have filed a petition specifying its objections thereto.
- e) Where the allegation in the Application is lack of notice of a determination or reconsidered determination and the ineligibility of the claimant for a specific reason, such employer shall be sent either a copy of the original determination or reconsidered determination, as

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may be applicable, and if the allegation of lack of notice proves to be true, the period for filing a timely appeal under Section 800 of the Act, and 56 Ill. Adm. Code 2720-. Subpart C shall begin from the date of mailing of the copy of the determination or reconsidered determination.

(Source: Amended at 14 Ill. Reg. 5126, effective 3/22/90

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1) Heading of Part: Program Content and Guidelines for Division of Services for Crippled Children.

2) Code Citation: 89 Ill. Adm. Code 1200

Adopted Action:  
Amendments

3) Section Numbers:

1200.30

1200.40

1200.50

1200.70

1200.80

Appendix A

4) Statutory Authority: Implementing Section 1 of "AN ACT enabling the University of Illinois to qualify for Federal funds and aid in relation to the administration of the Division of Services for Crippled Children" (Ill. Rev. Stat. 1987, ch. 144, par. 67.1) and authorized by Section 1 of "AN ACT to provide for the organization and maintenance of the University of Illinois" (Ill. Rev. Stat. 1987, ch. 144, par. 22).

5) Effective Date of Amendments: March 22, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: Feb 20, 1990

9) Notice of Proposal Published in Illinois Register: December 22, 1989,  
13 Ill. Reg. 198835

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference between proposal and final version:

- A) Deleted "for as long as is necessary to complete the Individual Service Plan established for the child;" from 1200.30 c)2)A).
- B) Deleted the addition of the medically eligible condition Digestive System Impairments from 1200.40 b)12)
- C) Added "postmark date or, if unavailable, the" to Section 1200.50 c)5C) and 1200.50 c)5D).
- D) Deleted "and the HMO is equipped and qualified to provide the necessary care" from 1200.50 c)5)E)
- E) Deleted "legally" and added "permanently", deleted "for as long as is necessary to complete the Individual Service Plan established for the child;" and added "or has been admitted under color of law;" to Section 1200.30 c)2)A).
- F) Amended Notice of Adopted Amendments, 5), by deleting "two (2)" and adding "one (1)" medically eligible condition.
- G) Added "Budget" to Section 1200.50 c)2).

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- H) Deleted "paragraph" and added "subsection" to Section 1200.70 g)2).
- I) Added "Budget" to Section 1200.80 e)3.
- J) Changed heading on Appendix A to read "Section 1200.Appendix A, Income Scale" and moved it from center to left margin.
- K) Deleted "and may be authorized" from Section 1200.80 e)2)F)
- L) Modified Section 1200.80 e)3) to state in part, "In order to make recommended services accessible to families, DSCC will support necessary transportation, lodging, meals, and parking costs for the family and child if the Annual Gross Income is at or below 133% of Poverty Income Guidelines (55 Fed. Reg. 5664)."
- M) Modified Section 1200.80 e)3)A) deleting part of first sentence after "in accordance with" and adding "and not exceeding, the limitation as set forth in the Reimbursement Schedule of the Travel Regulation Council at 80 Ill. Adm. Code 3000.Appendix A."
- N) Council 11 Family Support Administration under the provisions of Section 2603(7) of Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) and updated annually using the Federal Register's updated table for gross median family income." and added "using the Federal Register's updated table for gross median family income (54 Fed. Reg. 11078)."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendment currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Amendments concerning addition of medically eligible condition; adjusting the income scale for FY90; cross-referencing the Travel Regulation Council's rules to set fees for transportation expenses; changing time frame for families to notify us of change in financial status; setting a time frame for submission of bills/claims by vendors/providers; adding permission to authorize for external ramps and/or mechanical lifts; amending requirements for general eligibility requirements for persons admitted to United States on visas or permits.
- 16) Information and questions regarding these adopted amendments shall be directed to: Dr. Edward F. Lis, Director  
Division of Services for Crippled Children  
2060 Hill Meadows Drive, Suite A  
Springfield, IL 62702-6698  
Telephone: (217) 793-2340

## THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

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## TITLE 89: SOCIAL SERVICES

## CHAPTER X: THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

PART 1200  
PROGRAM CONTENT AND GUIDELINES FOR DIVISION  
OF SERVICES FOR CRIPPLED CHILDREN

Section	Purpose and Description
1200.10	Definitions
1200.20	Eligibility: General
1200.30	Medical Eligibility
1200.40	Financial Eligibility
1200.50	Appeal Process
1200.60	Payment for Services
1200.70	Availability of Services
1200.80	Rates of Payment
1200.90	Standards for Health Care Professionals
1200.100	Standards for Health Care Facilities
1200.110	Records
1200.120	Reports
1200.130	APPENDIX A Income Scale APPENDIX B Payment Scale

AUTHORITY: Implementing Section 1 of "AN ACT enabling the University of Illinois to qualify for Federal funds and aid in relation to the administration of the Division of Services for Crippled Children" (Ill. Rev. Stat. 1987, ch. 144, par. 67.1) and authorized by Section 1 of "AN ACT to provide for the organization and maintenance of the University of Illinois" (Ill. Rev. Stat. 1987, ch. 144, par. 22).

SOURCE: Adopted at 11 Ill. Reg. 3508, effective February 10, 1987; amended at 13 Ill. Reg. 9283, effective June 6, 1989; amended at 14 Ill. Reg. 5136, effective March 22, 1990.

## Section 1200.30 Eligibility: General

- a) Program Purpose  
The purpose of the Illinois Division of Services for Crippled Children is to provide diagnostic and treatment services for children who are crippled as a result of congenital and/or acquired crippling or disease states or have a condition which may lead to crippling impairment. The objective is to provide a program of comprehensive evaluation, medical care and related rehabilitative services appropriate to their various needs and to financially support such care to the extent that their Legally Responsible Adults (LRAs) require such financial assistance as determined by the Financial Eligibility Criteria (Section 1200.50 of this Part). Children who are eligible for Programmatic

The full text of Adopted Amendments begins on the next page:

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Assistance only will be served without regard to a financial means test. Due to financial limitations, DSCC will only provide assistance to children with certain categories of crippling conditions as defined in Section 1100.40 of this Part.

b) Eligibility Criteria for Diagnostic Services

- 1) Initial diagnostic services are provided without regard to ability to pay to the extent medically necessary applying usual and customary medical standards to determine whether the child has one of the conditions enumerated in Section 1200.40, Medically Eligible Conditions. Whenever eligibility or ineligibility is established based upon an interview with the child or the LRA, which occurs when a diagnosis has already been established, DSCC shall not be required to provide further initial medical diagnostic services.
- 2) Children may be but need not be referred for said services by an individual or agency.

## c) Eligibility Criteria for Other DSCC Services

1) Programmatic Assistance a child must meet the following requirements:

- A) Be under 21 years of age (except that DSCC shall provide services beyond the child's 21st birthday when necessary to complete a treatment plan developed before that time if cessation of treatment would cause an immediate threat to or damage to the child's life or good health or would negate gains resulting from previous rehabilitative efforts. In no event may said extension continue beyond six months after the child's 21st birthday);
  - B) Be a Resident of Illinois;
  - C) Have a Medically Eligible Condition.
- 2) Treatment Services and Financial Support
- It is recognized that it is the duty and responsibility of the LRAs to pay for necessary health care services for their children. DSCC will assist the LRA with this responsibility for each child meeting the criteria of Section 1200.30(c) of this Part by providing treatment services and financial assistance, provided the LRAs are Residents of Illinois, and provided:
- A) The LRAs are lawfully admitted to the United States on a visa or permit which contemplates that the LRA will be entitled to temporarily remain in the United States or has been admitted under color of law for-as-long-as-it-is necessary--to--complete--the--individual--Service--Plan established-for-the-child; or
  - B) The child aforescribed is a United States citizen.
- 3) In addition, whenever payment for treatment services or financial support is desired, the LRA must:
- A) Meet the financial eligibility criteria set forth at Section 1200.50 of this Part;
  - B) Utilize insurance benefits, if any, as well as any other

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form of payment, (such as trust funds, gifts, or fund raising drives) available for the child and/or make the payments toward the support of the child's treatment as are determined by his or her FPA;

c) Sign a Reimbursement Agreement, if the injuries for which treatment is sought were caused by any alleged negligent act (including products liability) and litigation is pending or contemplated.

D) Further, any attorney retained to represent the child on any claim relating to the child's medical condition for which DSCC will provide care must separately sign the Reimbursement Agreement. Failure to comply with this requirement will not, however, delay or hinder the application process.

## d) Application Process: Initial and Continuing Eligibility

1) No Person participating in or wishing to participate in the Division's programs shall be denied benefits of the program or shall be discriminated against on the basis of sex, religion, race, color, national origin or handicap not related to program eligibility.

## 2) General responsibilities of Applicants, Recipient Children, and LRAs:

A) Applicants and LRAs requesting assistance shall furnish requested factual information regarding eligibility and shall keep DSCC informed of any changes in financial status (defined as any change in financial circumstances which would affect financial eligibility for DSCC benefits as set forth in Section 1200.50 including, but not limited to changes in family size, income, or expenses) within fourteen (14) thirty (30) days of such change.

B) The application process requires consent by the LRA(s) to release or to verify medical data and financial information provided as a part of the application process.

3) An LRA shall complete and sign a written application on behalf of the Applicant on forms specified by DSCC. Such application shall inform the Applicant of all relevant time deadlines with respect to filing of an application and appealing any adverse decision. An LRA may choose a person to assist in completing the application. A representative of a public agency may complete and sign the application for a child in that agency's custody. A representative of a private agency may complete and sign the application for a child if he/she is the authorized guardian for the child.

4) A completed application must be submitted to DSCC within the following time periods:

- A) In the case of self-referral or referral by a medical provider or other agency, an application for initial eligibility must be received by DSCC within 21 days from the date which it is originally sent to the LRA by DSCC.

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Applications not received within said 21-day period shall not be considered for reimbursement for treatment services rendered at the time of referral to DSCC but shall be processed for reimbursement of treatment services provided no more than 30 days prior to the actual date of receipt. This time period shall be adjusted by DSCC for good cause if DSCC is notified of the circumstances within the 21 day time period (for purposes of this clause, "good cause" shall include, but shall not be limited to, a family emergency, demonstrated delays caused by the U.S. Postal Service, and demonstrated delays caused by the Internal Revenue Service in providing a copy of an income tax return).

- B) Applications for continuing financial eligibility shall be submitted to DSCC within 21 days of the date which they are originally sent to the LRA by DSCC. If an application is submitted after said time period, continuing eligibility shall recommence no more than thirty (30) days prior to the date the application is actually received by DSCC.
- 5) If financial support is desired, the LRA shall complete and sign a financial application on behalf of the Applicant on forms specified by DSCC, which shall be submitted within the time periods specified in Section 1200.30(d)(3).
- A) Such statement shall include a copy of the LRA's most recent Federal income tax returns. If an LRA is not required to file with the Internal Revenue Service, verification of income must be submitted.
- B) DSCC shall accept other supporting documents from the LRA to verify level of income if DSCC determines that the documents provided prove the information sought and if the LRA has demonstrated diligence in attempting to obtain federal tax returns or pay stubs but has been unsuccessful in doing so.
- 6) If financial support is not desired, no financial application is required. Applicants with a Medically Eligible Condition who either do not desire or do not qualify for DSCC Financial support shall be eligible for Programmatic Assistance.
- 7) Determination of eligibility is performed at the regional offices. (See 2 Ill. Adm. Code 5155.(Appendix A.)
- A) The DSCC staff shall verify the information provided on behalf of the Applicant. This will include discussion, including an interview with the LRA, if the application is not complete. The interview shall be conducted at a place and time convenient to all parties.
- B) If supplemental information required by DSCC to determine eligibility is not provided within fourteen (14) days after the LRA receives notice of a requirement that said information is needed to complete this application, DSCC shall then advise the LRA that the application will be invalidated and not given further consideration unless the LRA was precluded, due to causes beyond his/her control,

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from providing the information required.

C) A written decision regarding eligibility shall be sent to the LRA and any referring medical care provider or referring agency within thirty (30) days of receipt of the completed application unless the emergent nature of the child's condition requires a decision in a more timely fashion.

(Source: Amended at 14 Ill. Reg. 5136  
March 22, 1990)

## Section 1200.40 Medical Eligibility

- a) Eligible Medical Conditions
  - 1) Within the resources available, the Division of Services for Crippled Children has determined that it can best serve children who: have crippling impairments that are expected to be chronic; involve multiple physical defects/disabilities/handicaps; are amenable to treatment as determined by the treating physician; and have a need for long-term highly specialized medical care including, as necessary, related rehabilitative services; and in the judgement of the treating physician have life expectancy sufficient to realize benefit from the treatment.
  - 2) Currently, DSCC serves children whose crippling impairments are enumerated in the list which follows. These conditions were determined as covered by the Director, in consultation with and upon advice of the Advisory Board.
- b) Medically Eligible Conditions
  - 1) ORTHOPEDIC IMPAIRMENTS which are defined as those affecting bone, joint or muscle are eligible. Such impairments may be of congenital origin, or may be manifestations of an active chronic disease, or may represent a persisting result of previous infection, trauma, toxicity, disease or malignancy, which are determined to be chronic orthopedic impairments amenable to treatment requiring long-term management involving specialist care and required related rehabilitative or rehabilitative services.
  - 2) NERVOUS SYSTEM IMPAIRMENTS which are defined as those affecting the brain, spinal cord or peripheral nerves, and present as physical disabilities are eligible. Such impairments may be of congenital origin, or may be manifestations of an active chronic disease, or may represent a persisting result of previous infection, trauma, toxicity, disease or malignancy, which are determined to be chronic neurologic impairments responsive to medical treatment requiring long-term management involving specialist care and required related rehabilitative services.

Children in a chronic vegetative state would be eligible upon medically determined emergence of recovery and sufficient health stability for a program of active habilitation to be instituted

(for purposes of this clause, a chronic vegetative state is

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- defined as a condition in which a child displays no evidence of progressive positive developmental or neurological improvement, as determined by usual and customary medical standards).
- 3) CARDIOVASCULAR IMPAIRMENTS which are defined as primarily affecting the heart and the larger blood vessels are eligible. Such impairments may be of congenital or acquired origin, the latter representing a persisting result of previous infection, trauma, toxicity or disease or malignancy, and which are determined to be a chronic cardiovascular impairment responsive to treatment requiring multispecialist intervention and a program of extended supervision and/or long-term active management of specialized medical care and such related habilitation services as may be necessary. Children with a disease or past infection known to primarily affect the heart which predispose to chronic heart impairment and which requires specialist management to minimize or preclude such impairment would be eligible.
- 4) EXTERNAL BODY IMPAIRMENTS, including the oral and nasal structures with their extension into the mouth, pharynx, larynx, major bronchi and esophageal structures, defined as significant defects affecting the skin and/or its underlying structures and defects of the mucosa and/or its underlying structures of the above internal parts which may affect breathing, speech and eating. Such impairments must be determined to be beyond the normal range of acceptable external appearances or adequate function, as determined by a medical specialist, responsive to specialist(s) intervention and a program of long-term management with related habilitation services or subject to correction which would preclude chronic physical or functional impairment, and may be of congenital origin, or may be manifestations of an active chronic disease, or may represent a persisting result of previous infection, disease, trauma, toxicity or malignancy. External body defects to be considered as beyond the normal range of accepted appearance are those defects considered to be major in the customary characterization of congenital defects or, if acquired, to be defects which fall outside of acceptable appearance as defined by the Division in consultation with its advisers. Defects of dentition and occlusion associated with severe oro-craniofacial structural deformities or if causative to impairment of intelligible speech are included.
- 5) HEARING IMPAIRMENTS which are defined as a loss of hearing or deafness of at least 30 decibels in two frequencies or a 35 decibel loss in one speech frequency involving one or both ears, as determined by audiometric testing are eligible. Such hearing loss may be of congenital origin, or may be a manifestation of an active chronic disease, or may represent a persisting result of previous infection, trauma, toxicity, disease or malignancy and which are determined to be chronic hearing impairments responsive to treatment requiring otological intervention and a program of extended supervision and/or long-term active management.

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Children with middle ear infection and/or middle ear effusion persisting for longer than three months and who have received medical treatment are eligible for special medical and hearing assessment and evaluation of communicative skills. If a hearing impairment is defined, otologic treatment, monitoring of communicative skills and provision of hearing aids shall be provided if determined medically necessary in accordance with usual and customary standards. Children considered to be profoundly deaf and not amenable to otologic intervention and/or hearing aids, as determined through the application of usual and customary medical standards, shall be eligible for assistance to enhance the communication skills of the child (and family) if such assistance is not available from other agencies or sources.

6) SPEECH IMPAIRMENTS which are defined as an impairment of intelligibility arising from any structural defect of the organs responsible for vocalization or neurological defects specific to orderly speech development are eligible. Such speech impairments may be of congenital origin, or may be manifestations of an active chronic disease, or represent a persisting result of previous infection, trauma, disease or malignancy determined to be responsible for the chronic speech impairment which is responsive to medical treatment requiring long-term management involving specialist care and related rehabilitative services and equipment. Developmental language deficits are not eligible (for purposes of this clause, a developmental language deficit is defined as a condition, as determined by the application of usual and customary medical standards, that can be expected to correct itself with maturation or with such therapy as is generally available through the public school system).

7) CYSTIC FIBROSIS. Children with cystic fibrosis are eligible if they manifest symptoms amenable to specialized medical care and long-term management by a team of specialists organized for this purpose.

8) HEMOPHILIA and similar genetic disorders of coagulation are eligible. Eligibility for services shall be established in accordance with Rules of the Illinois Department of Public Health under "AN ACT establishing in the Illinois Department of Public Health a program for the care of persons suffering from hemophilia, establishing a Hemophilia Advisory Committee and designating powers and duties in relation thereto" (Ill. Rev. Stat. 1987, Ch. 111 1/2, Pars. 2901 et seq.) and Rules promulgated thereunder, 77 Ill. Adm. Code 705. Eligible persons shall receive such services as may be provided by the Illinois Department of Public Health in accordance with the rules aforesubscribed. DSCC shall provide children case management and financial support of hospitalization, outpatient care and such additional services as may be required for specialized medical and related rehabilitative services, including home management, except that a Recipient Child not eligible for services from the

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- Illinois Department of Public Health as provided above shall receive required services through the Division.
- 9) INBORN ERRORS OF METABOLISM which are defined as those conditions leading to severe neurological, mental and physical deterioration for which there are acceptable treatments which, when promptly instituted, would preclude or significantly minimize the adverse effects of the metabolic defect are eligible.
- 10) EYE IMPAIRMENTS which are defined as those affecting the eye and/or eye muscles, but excluding isolated refractive errors, are eligible. Such impairments must lead to or cause a significant risk of loss of vision and be chronic impairments which are determined to be responsive to treatment requiring ophthalmologic, medical or surgical, intervention and a program of extended supervision and/or long-term active management. In determining whether an eye impairment may be responsive to a program of extended supervision and/or long-term active management, the following factors must be present: that without treatment, the condition would be expected to last at least six months; and that extended and long-term active management shall require medical supervision of at least six months. Such impairments may be of congenital origin, or may be a manifestation of an active chronic disease, or may represent a persisting result of previous infection, trauma, toxicity or disease. When required as part of an approved management program not involving services or equipment prohibited by Section 1200.80(a) and approved pursuant to Sections 1200.80(b) and (c), and prescribed by the managing ophthalmologist, treatment of associated refractive errors is eligible. Children considered to be blind and not amenable to ophthalmologic intervention, as determined through the application of usual and customary medical standards, are not eligible.
- 11) URINARY SYSTEM IMPAIRMENTS which are defined as those chronic organic impairments affecting the kidney, ureter, bladder, and/or urethra, but excluding urinary tract infections, and isolated ureteral urinary reflux unless associated with a persistent structural defect, are eligible. Such impairments may be of congenital origin, or may be manifestations of an active chronic disease, or may represent a persisting result of previous infection, trauma, toxicity, disease or malignancy, which are determined to be chronic, amenable to treatment requiring long-term medical or surgical management involving specialist care and required related rehabilitative or rehabilitative services. Children requiring chronic renal dialysis and/or renal transplantation are not eligible.
- c) Health care services defined as "well child care," routine medical and dental treatment, medical care of acute childhood illnesses (defined as diseases which are not normally chronically disabling and which are not unusual in the course of a child's maturation) or trauma or short-term complications related thereto, are not provided by DSCC.

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- d) Health care services for children whose crippling impairment is considered to be "acute" as an immediate associated consequence of infection, trauma, disease, toxicity or malignancy, would be considered eligible after completion of medical treatment of such acute condition and determination of a resulting crippling impairment.
- e) Care Beyond Medical Eligible Conditions
- Children with the chronic crippling impairments which are defined in this Section as Medically Eligible Conditions may have associated health impairments which, as isolated health impairments, would not be considered as medically eligible for DSCC services. However, in order to achieve a realistic habilitation goal, if medically recommended, the services required to treat such associated health impairments will be provided to Recipient Children, except those related to a malignancy or to a chronic vegetative state. Treatment of such associated health impairments must relate to the Medically Eligible Condition and will continue to be provided only so long as the Recipient Child has a Medically Eligible Condition which is under continuing and active medical treatment. Further, if at any time, one of these other than Medically Eligible Conditions becomes the Recipient Child's primary health problem, as defined by the Recipient Child's attending physician, these additional services will be discontinued.
- (Source: Amended at 14 Ill. Reg. 5136 , effective March 22, 1990 )
- #### Section 1200.50 Financial Eligibility
- a) The LRA has an obligation to meet the cost of medical care for his/her Recipient Child to the extent they are able. Full or partial financial assistance, in the form described in Section 1200.90 of this Part, is provided to LRAs who are unable to meet such expenses from their own resources as established through a Financial Need Determination performed pursuant to criteria established in Section 1200.50(c) and (d).
- b) Exceptions to Financial Need Determination
- 1) DSCC provides diagnostic services necessary to determine medical eligibility without regard to the economic status of an Applicant's LRAs.
- 2) Financial information is not required from LRAs when:
- A) medical eligibility is uncertain;
  - B) no expenditure of DSCC funds is anticipated;
  - C) the child is a ward of the state agency;
  - D) the child has been determined eligible for services being provided by or reimbursed by a state agency using criteria the same as, or more stringent than, DSCC.
- c) Criteria for Financial Assistance
- 1) Financial eligibility is based upon the financial status of the LRA requesting financial assistance.

- 2) The Income Scale (Appendix A) and the Payment Scale (Appendix B) are used to determine financial eligibility. The Income Scale represents 65% of the gross median family income adjusted for family size as developed for the State of Illinois by the U.S. Department of Health and Human Services, Social Security Administration under the provisions of Section 2603(l) of Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-25). Although this scale is derived from gross income figures, for purposes of financial eligibility, a family is placed on the scale according to its Adjusted Family Income and family size.
- 3) Full financial assistance is provided when the Adjusted Family Income considering family size is equal to or less than that which is allowable in accordance with the Income Scale. The LRA and attorney must submit a Reimbursement Agreement, if applicable, as provided in Section 1200.30(c)(3)(C).
- 4) Partial financial assistance is provided when the Adjusted Family Income considering family size exceeds the amount allowable on the Income Scale, subject to the following conditions:
- A) A determination that the annual family payment as established in the Payment Scale is less than the anticipated cost of services for the proposed period of eligibility;
- B) Completion of a Financial Participation Agreement (FPA) by the LRA. An FPA will be required whenever the LRA of a Recipient Child is eligible for partial financial assistance. The FPA shall be signed and returned to DSCC within fourteen (14) days of its receipt by the LRA.
- i) The FPA obligates an LRA to pay for DSCC approved care for the Recipient Child. The amount will be equal to the annual family payment described by the Payment Scale. DSCC will use this money to pay for the child's direct and related care.
- ii) Payments toward the obligations contained in the FPA may be made by the LRA(s) directly to the vendor(s) providing specialized care for the Recipient Child if agreed to by DSCC. The LRA shall retain receipts to verify such payments.
- iii) The FPA shall cover all Recipient Children in one family.
- C) Submission of a Reimbursement Agreement by the LRAs and attorney(s), as provided in Section 1200.30(c)(3)(C), if applicable.
- D) Adjustments to the annual family payment shall be made by DSCC if there is evidence in the application or through additional information that indicates the LRA has the ability to assume cost-sharing beyond the amount previously indicated based upon application of the financial
- 5) The LRA shall be determined ineligible for financial assistance from DSCC when:
- A) It is determined that the Adjusted Family Income is in excess of \$10,499 of that which is allowable in accordance with Appendix A, the Income Scale.
- B) It is determined that the LRA's annual family payment would exceed the anticipated costs of care after application of all medical insurance benefits.
- C) An LRA has failed within the time periods established in Section 1200.30(d) to provide sufficient information to determine eligibility. In such instances, eligibility shall commence 30 days prior to the postmark date or, if unavailable, the date of receipt of such information necessary to establish eligibility.
- D) An LRA has failed within the time period established in Section 1200.30(d) to complete and sign the application (including the financial application), the Reimbursement Agreement (Section 1200.30(c)(3)(c)), if applicable, and an FPA, if applicable (Section 1200.50(c)). In such instances, eligibility shall commence 30 days prior to the postmark date or, if unavailable, the date of receipt of the signed application, and/or Reimbursement Agreement, and/or FPA.
- E) The family is enrolled in a Health Maintenance Organization (HMO) which has responsibility for provision of medical care for the Applicant or Recipient Child and-the-HMO-is-equippe and-qualified-to-provide-the-necessary-care.
- F) In addition, the LRAs shall lose their financial assistance if:
- i) Medical insurance payments or other forms of payment available or paid directly to the LRA to meet the cost of care for the Recipient Child have not been applied to the cost of care arranged, authorized, and paid by DSCC for that child. In such instances, eligibility shall be reinstated upon reaching an agreement for repayment to a medical care provider or to DSCC of an amount equal to the medical insurance payments made available but not applied toward the child's cost of care.
- ii) An LRA has not complied with the payment schedule established in the FPA with DSCC. In such instances, eligibility shall be reinstated once the LRA has demonstrated that he/she has complied with the FPA by making the required payments.
- 6) LRAs determined to be wholly or partially ineligible shall be advised of the right to appeal the determination in accordance with the procedures as set forth in Section 1200.60.
- 7) Period of Financial Eligibility

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- A) Financial eligibility shall be established for a 12-month period commencing on the first day of the month of referral or application, whichever is earlier. For purposes of this section, referral shall be defined as a first contact made with a DSCC intake worker.
- B) Financial eligibility shall be redetermined annually on the date established at subsection 8(b)(7)(A) above.
- C) Financial eligibility ordinarily begins at the date of referral or application for DSCC assistance unless circumstances beyond the control of the child and the LRA precluded timely application or referral. If DSCC, after its own investigation, determines that such circumstances exist, eligibility shall commence thirty (30) days prior to the date of referral or application to DSCC, whichever is earlier. Only such care or services which would have been approved as meeting DSCC standards of care, as set forth in this Part, for the child shall be considered for this period of retroactive eligibility.
- D) The period of financial eligibility may be less than 12 months under the following circumstances:
  - i) DSCC eligibility was based upon eligibility with the Illinois Department of Public Aid and such eligibility has been cancelled. Eligibility for DSCC benefits shall be cancelled at the same time that IDPA eligibility is cancelled. The LRAs must reapply by submitting the same financial information as is required of all applicants.
  - ii) The Recipient Child, at the time of financial evaluation, was a ward of an agency or court because adoption had not been finalized, and the adoption is finalized. DSCC eligibility shall terminate on the effective date of the finalization of the adoption.
  - iii) Supplemental information submitted pursuant to Section 1200.30(d)(2)(A) of this Part causes a change in financial eligibility.
  - iv) Verification of income is from sources which are more than 12 months old at time of submission. In such event, DSCC shall establish a period of eligibility of sufficient duration to permit the applicant to submit information with respect to income from sources which are less than 12 months old.
  - E) In the event that an LRA submits information, at any time, which, upon verification by DSCC, establishes that the LRA is eligible for financial assistance at a level in excess of that previously approved by DSCC, a new one year period of eligibility shall begin fifteen (15) days after said information is submitted, provided that the LRA has signed a revised FPA, if one is required pursuant to subsection (c)(5)(B).

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- d) Financial Determination Calculations
  - 1) Family Size
    - A) Family size shall be determined by the sum of the number of persons in each of the following categories when they share the same household. However, if a Person falls into more than one category, that person shall be counted only once:
      - i) The Applicant or Recipient Child;
      - ii) The Applicant or Recipient Child's spouse;
      - iii) An LRA and his/her spouse;
      - iv) Other Persons who, for Federal Income Tax Purposes, are deemed dependents of an LRA.
    - 2) The family's Annual Gross Income shall be the sum of the Annual Gross Income of Persons comprising the family unit, as determined above but excluding income of dependent children. Annual Gross Income includes:
      - A) Wages, salaries, bonuses, other earnings, and tips;
      - B) All interest and dividends from financial institutions and investments and from stocks and bonds;
      - C) Alimony, child support payments received;
      - D) Income from pensions, annuities, and other retirement fund sources;
      - E) Income from Social Security;
      - F) Unemployment compensation;
      - G) Workers' compensation;
      - H) Disability/sick leave payments;
      - I) Income from rents, royalties, partnerships, estates, trusts, corporations, farms, and businesses after expenses to produce such income are deducted. Depreciation and/or depletion allowances except on real estate may be deducted from said income.
      - J) Capital gains. All capital gains shall be treated as ordinary income for purposes of determining a family's Annual Gross Income except capital gains realized from the sale of a family residence which shall be excluded in its entirety;
      - K) All supplemental gains income;
      - L) All other earned and unearned income which may be applied toward the cost of care for the Applicant or Recipient Child.
    - 3) Income from the following sources shall be excluded for purposes of determining financial eligibility:
      - A) The income of dependents (other than the Applicant or Recipient Child and his/her spouse) under the age of 21;
      - B) Irregular income of not more than \$150 quarterly;
      - C) Scholarships, grants, or loans to a student for educational purposes;
      - D) The value of coupons or other subsidies provided low income families by a governmental organization or program;
      - E) Lump sum payments from insurance received due to the death

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- of an LRA;
- F) Money borrowed;
- G) Funds held in a trust which are legally unavailable for payment of the Applicant's or Recipient Child's medical expenses.
- 4) The following are allowable expenses which the family may deduct from their Annual Gross Income in determining financial eligibility:
- A) Payment of support for non-dependent children not to exceed \$1,000 per child/year;
- B) Child care costs that enable an LRA to maintain employment;
- C) Expenses which enable an LRA to maintain employment not to exceed \$50 per month for each employed LRA;
- D) Medical/health insurance premiums;
- E) Expenses not recoverable through any insurance plan, or other third-party payors payers including donated funds as follows:
- 1) Medical and medically related expenses including dental expenses of the Applicant or Recipient Child;
  - 1.i) The amount of medical and dental expenses paid for members of the family other than the Applicant or Recipient Child which is in excess of 2.5% of the family Annual Gross Income;
  - 1.ii) The amount of any loss caused by fire, flood, other natural disasters, theft, or vandalism which is in excess of \$1,000.

(Source: Amended at 14 111. Reg. 5136, effective  
March 22, 1990)

## Section 1200.70 Payment for Services

- a) With respect to Medicaid, Medicare, any medical insurance plan or policy or other third-party payers, unless prohibited by law, DSCC shall be deemed the payer of last resort. Nothing contained in these regulations shall authorize or require DSCC to provide payment for medical services, hospital services, supplies or appliances which would otherwise be paid by Medicaid, Medicare, any medical insurance plan or policy or other third-party payers, including donated funds and such other funds available for medical care derived from settlement of injury claims.
- b) Payments for services are subject to the availability of funds as determined by the University of Illinois in its sole discretion.
- 1) If DSCC determines, based upon its own internal auditing and record keeping systems, at any time, that it does not have or will not have sufficient funds to provide payments for authorized services for additional Applicants, DSCC shall:
    - A) Cease accepting applications.
    - B) Post notices in conspicuous places in DSCC offices and clinics and in other places where such notices are likely to be seen by Applicants. The notices shall state that DSCC shall no longer accepting applications because of insufficient funds, and shall state the probable date on which DSCC shall again accept applications. Notices will also be posted in a like manner when funding again becomes available.

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- clinics and in other places where such notices are likely to be seen by Applicants. The notices shall state that DSCC shall no longer accepting applications because of insufficient funds, and shall state the probable date on which DSCC shall again accept applications. Notices will also be posted in a like manner when funding again becomes available.
- C) DSCC employees shall inform clinic patients and other persons that DSCC is no longer accepting applications because of insufficient funds, and shall inform such persons of the probable date on which the Division shall again accept applications.
- D) Cease authorizing additional health care services for Recipient Children whose LRAs are eligible for DSCC financial assistance.
- 2) If DSCC determines, based upon its own internal auditing and record keeping systems, at any time that it does not have or will not have sufficient funds to provide payments for authorized services for Applicants who have applied, but with respect to whom no determination of eligibility has been made, DSCC shall nevertheless finish processing those applications and determine the eligibility or ineligibility of each such Applicant and his/her LRA for use in the event that additional funds become available. In such event, the LRAs of eligible applicants shall be provided funding in the order received unless a child's life or good health is threatened in which event said child's application will be given priority.
- 3) DSCC shall make payments for authorized services in the order in which DSCC receives bills for such services.
- 4) If DSCC determines due to nonavailability of funds that it is unable to pay for an authorized service, it shall cancel the authorization and any related purchase order any time up to the point at which services have been provided. For this purpose, the authorization and related Purchase Order shall contain the following statement: "This authorization is subject to all of the various rules and procedures set forth at 89 Ill. Adm. Code 1200, adopted February 10, 1987." In the event any authorization is cancelled pursuant to this limitation, any charges incurred for services rendered after the date of cancellation shall not be the obligation of DSCC.
- 5) Except as otherwise specifically provided herein in the event that DSCC determines that it does not or will not have sufficient funds to provide payments for all Applicants, present and future, as well as to make payments in behalf of all Recipient Children, it shall first cease accepting applications in accordance with subsection (1) above. If after taking such action, it is still determined that sufficient funds are not available, it shall take the actions set forth in subsection (2) above. If after taking such action, it is still determined that sufficient funds are not available, it shall take the actions set forth in subsections (3)

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- and (4) above. In the event that the life or good health of a child is threatened if a procedure is not performed, DSCC shall give funding such procedure priority over other procedures not posing such threat.
- c) The Director shall establish a maximum dollar amount for payment of authorized non-physician services per fiscal year which shall be applied to each child. DSCC shall provide notice of the limit to all Recipients and Health Care Facilities who may be affected.
- d) By accepting a DSCC authorization, the Health Care Provider agrees not to seek further payment from the patient or the patient's family for such authorized services beyond the amounts available from insurance, DSCC, Medicare, or Medicaid. In those cases where DSCC has notified the Provider that money is no longer available from DSCC, the Provider shall not be so restricted.
- e)
- 1) All insurance benefits must be used.
  - 2) Payment for authorized services for children with insurance benefits shall not be made until insurance has paid or rejected the claim. Subject to all the limits on benefits as contained in these Rules, DSCC will pay the cost of all required services above that reimbursed by insurance. The Director shall approve payment for authorized services prior to settlement of the insurance claims if such is necessary to avoid undue suffering or to preserve life and good health, and if immediate payment will cause DSCC funds to be utilized in the most efficient and effective fashion, all as determined based on usual and customary medical standards.
  - 3) The family shall notify DSCC within thirty (30) days of any change in the child's medical insurance coverage which results in coverage of costs which are currently paid for by DSCC.
  - f) DSCC will not provide reimbursement for minor occasional costs of a Recipient Child's treatment. For purposes of this clause "minor costs" shall be defined as charges for supplies, equipment, replacement parts, repair and replacement of equipment, and drugs less than \$25 each. "Occasional costs" shall be defined as costs occurring less frequently than once per month. In the event that minor costs are not occasional, they may be aggregated by the LRA and will be authorized by DSCC.
- Submittal of Claims
- 1) In order to be eligible for payment consideration, a provider's/vendor's payment claim or bill, either initial or resubmittal following prior rejection, must be received by DSCC no later than nine (9) months from the date on which medical services, appliances or supplies are provided or date of authorization, whichever comes first. This includes third party payment or denial information.
  - 2) Claims which are not submitted and received by DSCC in compliance with the requirements of subsection (g)(1) will not be eligible for payment under DSCC's medical program. DSCC and the patient or

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Patient's family or guardian shall have no liability for any payment thereof.

(Source: Amended at 14 Ill. Reg. 5136, effective March 22, 1990.)

## Section 1200.80 Availability of Services

- a) Limitations
- DSCC will not provide the following:
- 1) Organ transplants and related anti-rejection drugs.
  - 2) Surgery which is primarily for cosmetic purposes.
  - 3) Research or experimental medical or professional services, hospital services, drugs, devices or equipment.
  - A) Research or experimental medical or professional services, hospital services, drugs, devices or equipment is defined to include services, drugs, devices or equipment which have not been recognized as having a proven rehabilitative value as determined by the professional standards of the applicable medical or health care specialty groups, including but not limited to:
  - i) equipment or appliances that do not have the approval of the Department of Health and Human Services Food and Drug Administration or other appropriate federal agency (Investigational New Drugs and Devices and Investigational services and treatments shall not be deemed to have received such approval);
  - ii) medical and/or other health related services, including drugs, food supplements, equipment or appliances not reported on, described, or discussed in published and recognized professional journals which have an advisory board passing on its publications;
  - iii) services, drugs, devices, equipment or appliances that have not been recognized by appropriate national professional organizations.
- B) If a Health Care Provider wishes to utilize medical services, equipment or appliances which are identified as possibly research or experimental, the Provider must provide a written justification for doing so. Other pertinent information from knowledgeable professional sources may be obtained by the Health Care Provider. The DSCC Director shall determine whether services, equipment or appliances are, in fact, experimental or research based on the information supplied and the criteria at Subsections (A)(1)-(iii), immediately above.
- C) If DSCC authorizes a Health Care Provider to perform medical services or hospital service, or to purchase equipment or supplies later determined by DSCC as research or experimental, and if said Provider has failed to notify DSCC

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in advance of the possible experimental or research nature thereof, the Provider shall be obligated to refund any monies paid to it by DSCC or the LRA to perform such procedure or purchase such item.

- b) Authorization: General
- 1) Except as otherwise specifically provided in Section 1200.80(c)(5), all health care services, equipment or drugs to be purchased for individuals by DSCC, including diagnostic evaluation services (See: Section 1200.80(d)), must be preauthorized, i.e., authorized by DSCC before their delivery. Such authorizations shall be to specific Health Care Providers and shall specify the services to be provided.
  - 2) Prior to any services, equipment or drugs being authorized by DSCC, a completed application must have been submitted to DSCC and eligibility established for the DSCC program.
  - 3) All authorizations are recorded as part of the individual patient's case record.
- c) Authorization Procedure
- 1) An authorization for health care services, equipment or drugs must be requested from DSCC.
  - A) Any person may request that DSCC issue an authorization, but authorizations will not be effective until DSCC receives notice from a Health Care Provider which documents the need for and extent of the services, equipment or drugs to be provided to the Recipient Child. This notice may be either written or oral.
  - B) Services, drugs or equipment which are duplicative of those authorized or exceed authorized limits or are arranged without prior notification to and concurrence by DSCC shall not be authorized.
  - 2) Authorizations will be issued for health care services, drugs or equipment only to a specific Health Care Provider and then only if Provider meets the criteria established in this Part, has evidenced a willingness to participate in the DSCC program, agrees to accept DSCC rates of payment, and agrees to abide by DSCC administrative procedures, as set forth in this Part.
  - A) DSCC maintains lists of qualifying, currently participating, Health Care Providers.
  - B) If the LRA or Recipient Child wishes to use a particular Health Care Provider, not currently participating in the DSCC Program, that Provider will be immediately added to the DSCC Program if said Provider meets all the standards enumerated above.
  - 3) All hospitalizations and all equipment purchases are subject to separate authorizations for each occasion of such service.
  - 4) Children receiving DSCC services shall be preauthorized a certain set number of professional outpatient service visits if such is determined medically necessary and said services will be furnished by a specific Health Care Professional or Facility.

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Upon medical recommendation for additional services, separate issuance of authorization(s) will be required.

- 5) Exceptions to the pre-authorization requirement:
- A) The initial medical referral of a child to DSCC may be concurrent with the first visit to an approved Health Care Professional or Health Care Facility. Upon submission of a referral from the Health Care Professional or Provider and/or an application by an LRA (within thirty (30) days of the time services were rendered), an authorization for the aforescribed initial medical service will be issued if the applicant and LRA are determined eligible for the DSCC program and if the services provided are determined by DSCC to be medically necessary through the application of usual and customary medical criteria. (Note: Payment for such services is subject to the time limits on retroactive benefits.)
- B) Retroactive authorizations for services provided will be made unless:
- i) the service was not provided during a period of eligibility except as provided in (A), immediately above;
  - ii) DSCC was not notified within thirty (30) days after the service was provided;
  - iii) funds are not available to make the reimbursement, as determined by DSCC in accordance with Section 1200.70(b);
  - iv) the service was provided by a Health Care Facility or by a Health Care Professional not pre-approved by DSCC as meeting the Standards for Medical Personnel (Section 1200.100) or Standards for Facilities (Section 1200.110); unless the service provided was an emergency, as determined by usual and customary medical standards, in which case the service will be retroactively authorized if the Facility or Professional providing the service is deemed by DSCC to meet the standards of this Part after the request for reimbursement is received;
  - v) the LRA has privately arranged for services with a Health Care Provider expecting private sources of reimbursement at the level of their usual and customary charges; unless said provider subsequently agrees to accept the DSCC level of reimbursement.
- C) The Diagnostic Evaluation Program (Diagnostic Services)
- 1) DSCC provides for early identification and diagnostic evaluation of children eligible for the DSCC treatment program through the qualified professional and support staff within DSCC, through a clinic system which is organized and operated in cooperation with Health Care Providers from various regions and through relationships with Health Care Providers in the private-voluntary

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- sector throughout the state.
- 2) Necessary Diagnostic Services are provided without charge above available insurance or other forms of reimbursement regardless of family financial circumstances.
- 3) In specified areas outside of Chicago, DSCC arranges for field clinics with special or general scope to meet on a periodic basis. These clinics are staffed by Health Care Professionals participating in the DSCC program and are available for Diagnostic Services as well as certain treatment services.
- 4) In the City of Chicago, DSCC utilizes established outpatient clinics associated with DSCC approved Health Care Facilities to perform Diagnostic Services. This list is available to the general public and these facilities may be utilized at any time, since there are not specific "DSCC clinic times" at these facilities.
- 5) All Applicants requiring Diagnostic Services must receive an Authorization from DSCC and must make a specific appointment for the evaluation, in accordance with the rules and procedures of that Health Care Facility.
- 6) If DSCC is able to determine, from an interview or from other existing information, that an Applicant is ineligible, Diagnostic Services shall not be performed.
- 7) All Diagnostic Services must be provided on an outpatient basis unless inpatient services for this purpose are specifically approved by the Director who shall approve such services when they are medically required to complete the diagnostic evaluation.
- e) The Treatment Program
- 1) DSCC provides for treatment and follow-up services through qualified professional and support staff within DSCC, through the field clinic system outside the City of Chicago, through DSCC approved Health Care Professional and Facilities in Chicago, and through Health Care Providers throughout the state. The DSCC program is oriented in large part around a clinic or "specialized centers" model to encourage coordinated multi-specialist involvement with DSCC recipient children.
  - 2) The services provided through the DSCC Treatment Program include, when determined medically necessary by a Recipient Child's treating physician(s), the following:
- A) Consultative services through a Health Care Professional or Facility
- B) Continuing outpatient supervision furnished by Health Care Professionals including office visits or by a Health Care Facility in a clinic, if such would more adequately meet the health care needs of the Recipient Child based on all applicable medical criteria than would a DSCC field clinic.
- C) Hospitalization and inpatient medical and/or surgical treatment including special rehabilitation services. Provided, however, that procedures, tests, or services shall

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- not be performed on an inpatient basis if, under medical professional standards such procedures, tests, or services are usually and customarily performed in outpatient facilities, except that such procedures, tests, or services shall be performed on an inpatient basis if determined to be medically indicated by the Director based on the recommendation of the Recipient Child's treating physician(s).
- D) Convalescent care to the extent available and required as an intermediate service to continued hospitalization.
- E) Home based care intended to prevent continued hospitalization or similar-type medical placement, as determined desirable and feasible applying all medical standards. Such care is limited to training of parents and/or community health care providers; provision of recommended equipment and supplies; and, as necessary, periodic visiting nurse and/or related health personnel supervision. DSCC does not provide continuing care nursing, life support systems, or high technology equipment and related supplies but will help the LRA locate funding sources for these services, if they are determined to be medically necessary.
- F) Assistive appliances, approved by DSCC, such as braces, prosthetic limbs, hearing aids, wheelchairs and related adaptive devices and special supplies determined medically necessary to accomplish rehabilitation goals. Excluded are fixed architectural modifications of the LRA's dwelling in which the child resides, and property related thereto. External ramps and/or mechanical lifts needed to provide the child access to the dwelling are not excluded.
- G) Speech and hearing therapy, physical and occupational therapy.
- H) Dietary evaluation, guidance and provision of special substances upon medical recommendation, excepting those dietary substances available through programs of public or private agencies established for such purposes.
- I) Specialized dental care, such as orthodontia, prosthodontia, or oral surgery as required to further the treatment plan of children with severe oro-craniofacial deformities (e.g., cleft lip/cleft palate). Routine preventive or restorative dentistry is not provided except for children for whom this service is a specific recommendation to be integrated into an authorized orthodontic or prosthodontic plan or who, as a special requirement imposed by a physical impairment or as a result of the severity of an impairment, require specialized dental restorative intervention.
- J) Arrangements for home follow-up services by public health and/or related rehabilitative services personnel.
- K) Specialized prescriptive drugs integral to the treatment

- program of a chronic disability, subject to the limitations of Section 1200.70(f).
- L) Genetic evaluation and family counseling.
- M) Psychological/psychiatric evaluation as medically recommended for diagnosis and treatment planning.
- N) Referral to other public or private agencies as required to further support the special needs of the family and/or child.

- 3) In order to make recommended services accessible to families, DSCC will support necessary transportation, lodging, meals, and parking costs for the family and child if the Annual Gross Income is at or below \$14,688.13% of Poverty Income Guidelines (55 Fed. Reg. 5664). DSCC shall be obligated to provide said support only if no other sources are available for this purpose. ~~The BRA must provide documentation such as receipts to verify such costs.~~
- A) DSCC shall support necessary transportation expenses in accordance with, and not exceeding, the limitations as set forth in the Reimbursement Schedule of the Travel Regulation Council at 80 Ill. Adm. Code 3000. Appendix A. DSCC will prescribe the form and procedure which families must follow in order to receive and verify expenses.
- ~~Subh-support-shall-be-entitled-to-the-following:-~~
- i) transportation--9--events--per--family--based--on--the shortest--route--available--or--when--transportation service--is--provided--by--a--non--family--member--or--group other--than--a--common--transportation--carrier--the provider--is--charge--will--be--approved--at--20--cents--per mile--or--at--the--rate--charged--whichever--is--less: Payment--for--common--transportation--carrier--fer--bus: taxi--train--will--be--approved--at--the--rate--charged, provided--it--is--the--lowest--coach--fare--available;
- ii) lodging--BSEE--will--support--lodging--expenses--at--a maximum--of--\$65--per--night--plus--tax--for--a--single occupancy--room--in--Chicago--and--\$90--per--night--plus tax--for--a--single--occupancy--room--elsewhere--in--Illinois or--within--50--miles--of--the--state's--borders--Maximum rates--for--double--occupancy--shall--be--\$65--00 plus--tax in Chicago--and--\$45--00 plus--tax elsewhere
- iii) Meals--BSEE--will--support--meal--expenses--at--\$3.50--per meal--per--person;
- iv) parking--Expenses--BSEE--will--support--necessary--parking expenses--at--the--rate--charged.

- B) Support will be available for the following individuals: LRAs; the Recipient Child; any additional caretaker whose presence is medically required to provide care for the Recipient Child during transportation. Transportation assistance will be limited to a maximum of one round trip for each authorized person requiring an overnight stay.

- C) When circumstances so dictate to meet the health care needs of the child, the Director shall authorize payments in excess of the amount stated above.
- (Source: Amended at 14 Ill. Reg. 5136, effective March 22, 1990 )

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Section 1200 APPENDIX A Income Scale

Income Scale

Size of Household

Income\* (FY89 90)

\$127000 13,500

\$167000 17,600

\$197000 21,800

\$237500 25,900

\$277500 30,100

\$317000 34,200

\$357000 35,000

\$397400 35,800

\$437300 36,600

\$477000 37,300

\$447600 38,100

\$557300 38,200

This table is based upon 65% of the gross median family income adjusted for family size as developed for the State of Illinois by the U.S. Department of Health and Human Services, Social-Security-Administration Office-of-Family Affairs using the Federal Register's updated table for gross median family income (54 Fed. Reg. 11078). In order to find 65% of state median income for households with greater than 6 1/2 members, perform the following calculation:

1) Begin with \$324 150\$;

2) Add 3 percentage points for each additional family member;

3) Multiply figure obtained at step (2) by \$237500 25,900 (i.e., the 4 person household amount);

4) Round the figure obtained at step (3) to the nearest \$50.

\*Allowable Adjusted Family Income which results in full financial assistance.

(Source: Amended at 14 Ill. Reg. 5136, effective March 22, 1990)

- 1) Heading of the Part:  
Financial and Economic Feasibility Review and Evaluation Plan (For all Long-Term Care and Chronic Disease Facilities)
- 2) Code Citation:  
 77 Ill. Adm. Code 1240
- 3) Section Numbers:  
Adopted Action:  
Repeal

- 4) Statutory Authority:  
Illinois Health Facilities Planning Act  
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1151 et seq.
- 5) Effective Date of Rules:  
 May 1, 1990
- 6) Does this Rulemaking Contain an Automatic Repeal Date? Yes  No   
 If "yes," please specify date:  
 \_\_\_\_\_
- 7) Does this Rulemaking Contain Any Incorporations by Reference?  
 Yes  No   
 If "yes," please specify type: 6.02(a)  or 6.02(b)   
 If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes  No
- 8) Date Filed in Agency's Principal Office:  
 May 1, 1990
- 9) Date Notice(s) of Proposal was Published in Illinois Register:  
 October 27, 1989 - 13 Ill. Reg. 16703
- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes  No   
 If "yes," please complete the following:

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- A) Statement of Objection: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_  
B) Agency Response: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_  
C) Date Agency Response Submitted for Approval to the Joint Committee: \_\_\_\_\_

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:  
Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

None

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

None

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes \_\_\_\_ No X

- 14) Are there any other Amendments Pending on this Part? Yes \_\_\_\_ No X  
If Yes:

Section Numbers \_\_\_\_\_ Proposed Action \_\_\_\_\_ Ill. Reg. Citation \_\_\_\_\_

15) Summary and Purpose of Rules:

Section to be replaced in new procedural rules.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

- Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part:  
Financial Feasibility Review and Evaluation Plan
- 2) Code Citation:  
77 Ill. Adm. Code 1230
- 3) Section Numbers:  
1230.510  
1230.520  
1230.530
- 4) Statutory Authority:  
Illinois Health Facilities Planning Act  
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1151 et seq.
- 5) Effective Date of Rules:  
May 1, 1990
- 6) Does this Rulemaking Contain an Automatic Repeal Date? Yes  No
- If "yes," please specify date:  
Date Filed in Agency's Principal Office:
- 7) Does this Rulemaking Contain Any Incorporations by Reference?  
Yes  No
- If "yes," please specify type: 6.02(a)  or 6.02(b)
- If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes  No
- 8) Date Notice(s) of Proposal was Published in Illinois Register:  
May 1, 1990
- 9) Date Notice(s) of Proposal was Published in Illinois Register:  
October 27, 1989 - 13 Ill. Reg. 6708
- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/These Rules? Yes  No
- If "yes," please complete the following:
- 11) Difference Between Proposal and Final Version:  
The following changes were made in response to comments received during the first notice or public comment period:  
None
- The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:  
None
- In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?  
The Department has made all the changes to which it agreed with the Joint Committee.
- 13) Will the Rules Replace an Emergency Rule Currently in Effect?  
Yes  No
- 14) Are there any other Amendments Pending on this Part? Yes  No   
If Yes:  
Section Numbers      Proposed Action      111. Reg. Citation
- 15) Summary and Purpose of Rules:  
Sections to be replaced in new procedural rules.
- 16) Information and Questions regarding this Adopted Rulemaking shall be

## ILLINOIS REGISTER

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

ILLINOIS REGISTER  
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DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part:  
Certificate of Need for Health Maintenance Organizations

- 2) Code Citation:  
77 Ill. Adm. Code 1150

- 3) Section Numbers:

	<u>Adopted Action:</u>
1150.110	Repeal
1150.210	Repeal
1150.220	Repeal
1150.230	Repeal
1150.310	Repeal
1150.320	Repeal
1150.330	Repeal
1150.410	Repeal
1150.420	Repeal
1150.430	Repeal
1150.440	Repeal
1150.450	Repeal

- 4) Statutory Authority:

Illinois Health Facilities Planning Act  
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1151 et seq.

- 5) Effective Date of Rules:  
May 1, 1990

- 6) Does this Rulemaking Contain an Automatic Repeal Date? Yes        No X  
If "yes," please specify date:  
May 1, 1990

- 7) Does this Rulemaking Contain Any Incorporations by Reference?  
Yes        No X  
If "yes," please specify type: 6.02(a)        or 6.02(b)

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes        No       

- 8) Date Filed in Agency's Principal Office:  
May 1, 1990

## NOTICE OF ADOPTED REPEALER

9) Date Notice(s) of Proposal was Published in Illinois Register:

March 21, 1989 - Ill. Reg. 5580

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rule(s)? Yes        No X

If "yes," please complete the following:

- A) Statement of Objection: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_  
 B) Agency Response: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_  
 C) Date Agency Response Submitted for Approval to the Joint Committee: \_\_\_\_\_

## 11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

None.

In addition, various typographical, grammatical and form changes were made in response to the Comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

None.

Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes        No X14) Are there any other Amendments Pending on this Part? Yes        No X

If Yes:

## NOTICE OF ADOPTED REPEALER

Section Numbers  
Proposed Action

## III. Reg. Citation

## 15) Summary and Purpose of Rules:

The regulations established in Part 1150 focus on what types of projects proposed by HMO's are exempt from review. These rules were designed to comply with federal requirements under P.L. 93-641 "The National Health Planning and Resources Development Act." These rules are proposed for repeal for the following reasons:

- 1) P.L. 93-641 was repealed in December 1987 so no federal requirements on review now exist.
- 2) Under current Board rules HMO's are classified as facilities and are more appropriately reviewed under Part 1110.
- 3) The basis for the required exemptions no longer exists as only federal law not the state law required HMO's to be reviewed in this fashion.
- 4) The regulations in the Part duplicate other existing rules thus creating confusion as to what standards are applicable.
- 5) Proposed changes to Part 1110 would provide needed coverage in a more unified format.
- There is no economic effect anticipated through this rulemaking.
- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:  
Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/732-6187.

## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED REPEALER

TITLE 77: PUBLIC HEALTH  
 CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD  
 SUBCHAPTER b: OTHER BOARD RULES

## PART 1150

CERTIFICATE OF NEED FOR HEALTH MAINTENANCE ORGANIZATIONS (REPEALED)

(Source: Repealed at 14 Ill. Reg. 5168, effective May 1, 1990 )

## NOTICE OF ADOPTED REPEALER

1) Heading of the Part:

Practice and Procedures in Reconsideration Hearings

2) Code Citation:

77 Ill. Adm. Code 1220

3) Section Numbers:

- 1220.10
- 1220.20
- 1220.30
- 1220.40

4) Statutory Authority:

Illinois Health Facilities Planning Act  
 111. Rev. Stat. 1987, ch. 111 1/2, par. 1151 et seq.

5) Effective Date of Rules:

May 1, 1990

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes        No X

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference?

Yes        No X

If "yes," please specify type: 6.02(a)        or 6.02(b)       

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes        No       

8) Date Filed in Agency's Principal Office:

May 1, 1990

9) Date Notice(s) of Proposal was Published in Illinois Register:

October 27, 1989 - 13 Ill. Reg. 16714

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes        No X

ILLINOIS REGISTER  
DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED REPEALER

If "yes," please complete the following:

- A) Statement of Objection: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_  
B) Agency Response: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_  
C) Date Agency Response Submitted for Approval to the Joint Committee: \_\_\_\_\_

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

None

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

None

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes \_\_\_\_ No X

- 14) Are there any other Amendments Pending on this Part? Yes \_\_\_\_ No X

If Yes:

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
------------------------	------------------------	---------------------------

- 15) Summary and Purpose of Rules:

Repeal of reconsideration process. Administrative appeal now to court

- If "yes," please complete the following:
- A) Statement of Objection: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_  
B) Agency Response: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_  
C) Date Agency Response Submitted for Approval to the Joint Committee: \_\_\_\_\_
- 11) Difference Between Proposal and Final Version:
- The following changes were made in response to comments received during the first notice or public comment period:
- None
- The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:
- None
- In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?
- The Department has made all the changes to which it agreed with the Joint Committee.
- 13) Will the Rules Replace an Emergency Rule Currently in Effect?
- Yes \_\_\_\_ No X
- 14) Are there any other Amendments Pending on this Part? Yes \_\_\_\_ No X
- If Yes:
- |                        |                        |                           |
|------------------------|------------------------|---------------------------|
| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Ill. Reg. Citation</u> |
|------------------------|------------------------|---------------------------|
- 15) Summary and Purpose of Rules:
- Repeal of reconsideration process. Administrative appeal now to court



NOTICE OF ADOPTED REPEAL EB

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- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

Permits

2) Code Citation: 92 Ill. Adm. Code 1040

The Department has made all the changes to which it agreed with the Joint Committee

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III. Reg. Citation  
III. Proposed Action  
Section Numbers

## **Summary and Purpose of Rules:**

- Penalty due to replacement of part

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- directed to:

Mr. Robert John Kame, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 217/782-6187

- Pursuant to a suggestion from the Administrative Code Division, in subsection a), Line 5, "paragraph" was changed to "subsection". This change was also made in subsection b).

Some changes were also made pursuant to an agreement with JCAR. In subsection (b)(1), "agency" was deleted and "requesting party" was added.

In subsection (b)(2), "party" was substituted for "agency" and in subsection (b)(1)(D) a semicolon was added.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as

- 14) Are there any other amendments pending on this Part? Yes \_\_\_\_\_

## NOTICE OF ADOPTED AMENDMENT(S)

Section Numbers	Proposed Action	Illinois Register Citation
1040.80	New Section	13 Ill. Reg. 14014 (September 8, 1989)

15) Summary and Purpose of Rule: This rulemaking adds law enforcement authorities, the driver, or his attorney to the list of persons who may be provided information regarding a driver's placement on court supervision.

16) Information and answers to questions regarding this Adopted Rule should be directed to:

Nancy G. Easum  
Deputy General Counsel to the Secretary  
2701 S. Dirksen Parkway  
Springfield, IL 62723  
Tel: 217/782-6250

The full text of the Adopted Rule begins on the next page.

## NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

## PART 1040

## CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section Number	Proposed Action	Cancellation, Revocation or Suspension of Licenses or Permits
1040.80	New Section	Section Court to Forward Licenses and Reports of Convictions 1040.10 1040.20 Illinois Traffic Offense Table Suspension or Revocation for Driving Without a Valid Driver's License 1040.25 1040.30 3 or More Traffic Offenses Within 12 Months 1040.31 Operating a Motor Vehicle During a Period of Suspension or Revocation 1040.32 Suspension or Revocation of Licenses or Permits Used Fraudulently 1040.35 Commission of Offense Requiring Mandatory Revocation Upon Conviction 1040.38 Commission of a Traffic Offense in Another State Repeated Conviction or Collisions 1040.40 1040.41 Suspension of Licenses for Curfew Violations 1040.42 Fleeing and Eluding 1040.43 Illegal Transportation Fatal Accident and Personal Injury Suspensions or Revocations 1040.46 1040.48 Vehicle Emission Suspensions 1040.50 Suspension or Revocation of a License of Commercial Vehicle Driver 1040.55 Suspension or Revocation for Driver's License Classification Violations 1040.60 Release of Information Regarding a Disposition of Court Supervision 1040.65 Offenses Occurring on Military Bases 1040.66 Invalidation of a Restricted Driving Permit 1040.70 National Driver Register 1040.100 Rescissions 1040.101 Reinstatement Fees

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-201 et seq. and 6-700 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1973; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12874; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 11 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20059, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988;

NOTICE OF ADOPTED AMENDMENTS

amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7082, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 1, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 36664, effective February 27, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990.

NOTE: Boldface type denotes statutory language.

Section 104.60 Release of Information Regarding a Disposition of Court Supervision

- a) Information pertaining to a driver's placement on court supervision for any of the following offenses of the Illinois Vehicle Code or similar provisions of a local ordinance:
- 1) Section 6-303, Driving while license, or permit or privilege to operate a motor vehicle is suspended or revoked;
  - 2) Section 11-401, Leaving the scene of a traffic accident involving death or personal injury;
  - 3) Section 11-501 of a similar provision of a local ordinance, Driving under the influence of alcohol, other drugs, or a combination thereof;
  - 4) Section 11-503, Reckless driving; or
  - 5) Section 11-504, Drag racing;
- b) Information pertaining to a driver's placement on court supervision for any of the offenses named in subsection (a) of this Section shall be released to the following parties upon receipt of a proper written request: Federal Courts, State Courts, or Prosecuting authorities, law enforcement authorities, the driver, or his/her attorney.
- (Source: Amended at 14 Ill. Reg. 5178, effective April 1, 1990)

NOTICE OF ADOPTED AMENDMENTS

business letterhead of the agency requesting party and shall be signed by the judge, or the prosecutor of the agency, the law enforcement authority, or the individual's attorney. Any individual may also request an abstract of his/her driving record. The request shall include the following information concerning the driver if such information is known to the requesting party:

- A) full name, including middle initial;
- B) address;
- C) birthdate;
- D) sex;

**P(E)** driver's license number;  
**P(F)** date of offense;  
**P(G)** offense charged;  
**P(H)** court date, if applicable.

- 2) The Office of the Secretary of State shall provide sufficient information on the abstract of a driver's record to enable the requesting agency party to obtain specific details of the matter by contacting the court which has previously granted the disposition of supervision.

(Source: Amended at 14 Ill. Reg. 5178, effective April 1, 1990)

shall not be released or made available to any source outside the Office of the Secretary of State except as expressly provided in subsection (b) of this Section.

- a) "Proper request" shall mean a written request for an abstract of a driver's record submitted pursuant to Section 2-123 of the Illinois Vehicle Code. The request shall be submitted on the
- 1) "Proper request" shall mean a written request for an abstract of a driver's record submitted pursuant to Section 2-123 of the Illinois Vehicle Code. The request shall be submitted on the

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers      Adopted Action
- 4) Statutory Authority: Sections 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-104(b) and Sections 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100.)
- 5) Effective Date of Amendments: March 21, 1990
- 6) Does this rulemaking contain an automatic repeal date? Yes X No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: March 21, 1990
- 9) Notice of Proposal Published in Illinois Register: 13 Ill. Reg. 14344 (September 15, 1989).
- 10) Has JCAR Issued a Statement of Objections to this Rule? No.
- 11) Differences between proposal and final version.  
Pursuant to suggestions from the Administrative Code Division, Office of the Secretary of State, the following changes were made:  
On the notice page, in required question #9, Appendix A was removed as it had been previously adopted.
- 12) In the table of contents, in the heading of Section 1030.15 the word "More" was capitalized. Also the headings for Appendices A and B were added as they have now been adopted.
- 13) In the main source note, the last actions on this part were added.
- 14) In Section 1030.91(a), line 2 of the definition of "Handicapped Identification Card", "24(a)" was changed to "4(a)." This same change was also made in the definition of "Illinois Disabled Person Identification Card" and in subsections (b) and (c).
- 15) Summary and Purpose of Rule: This rulemaking establishes the criteria for issuing a Illinois Disabled Person/Handicapped Identification Card.
- 16) Information and answers to questions regarding this Adopted Rule should be directed to:

Nancy Short  
Assistant Counsel to the Secretary  
2701 S. Dirksen Parkway  
Springfield, IL 62723  
Tel: 217/782-5356

The full text of the Adopted Rule begins on the next page.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 92: TRANSPORTATION

## CHAPTER II: SECRETARY OF STATE

## PART 1030

## ISSUANCE OF LICENSES

**Section 1030.10** What Persons Shall Not be Licensed or Granted Permits  
**1030.11** Procedure for Obtaining a Driver's License  
**1030.15** Cite for Re-examination  
**1030.20** Classification of Drivers-References  
**1030.30** Classification Standards  
**1030.40** Fifth Wheel Equipped Trucks  
**1030.50** Bus Driver's Authority, Religious Organization  
**1030.55** Commuter Van Driver Operating a For-Profit  
**Ridesharing Arrangement**

**1030.60** Employer Certification Program  
**1030.63** Religious Exemption for Social Security Numbers

**1030.65** Instruction Permits

**1030.70** Driver's License Testing/Vision Screening

**1030.75** Driver's License Testing/Vision Screening With Vision Aid  
Arrangements Other Than Standard Eye Glasses or Contact Lens(es)

**1030.80** Driver's License Testing/Written Test

**1030.84** Vehicle Inspection

**1030.85** Driver's License Testing/Road Test

**1030.86** Multiple Attempts/Road Test

**1030.88** Exemption of Facility Administered Road Test

**1030.89** Temporary Licenses

**1030.90** Requirement For Photograph and Signature of Licensee

On Driver's License

**1030.91** Disabled Person/Handicapped Identification Card

**1030.92** Restrictions

**1030.93** Restricted Local Licenses

**1030.94** Duplicate or Corrected Driver's License or Instruction Permit

**1030.95** Diplomatic and Consular Licenses

**1030.100** Anatomical Gift Donor

**1030.110** Emergency Medical Information Card

**1030.115** Change-of-Address

**1030.120** Issuance of a Probationary License

**1030.130** Grounds for Cancellation of a Probationary License

**Appendix A** Questions Asked of a Driver's License Applicant

**Appendix B** Acceptable Identification Documents

**AUTHORITY:** Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

**SOURCE:** Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

**6** Ill. Reg. 2400, effective February 10, 1982; codified at **6** Ill. Reg. 12674; amended at **9** Ill. Reg. 216, effective February 20, 1985; amended at **10** Ill. Reg. 303, effective December 24, 1985; amended at **10** Ill. Reg. 18182, effective October 14, 1986; amended at **11** Ill. Reg. 9331, effective April 28, 1987; amended at **11** Ill. Reg. 18292, effective October 3, 1987; amended at **12** Ill. Reg. 3027, effective January 13, 1988; amended at **12** Ill. Reg. 13221, effective August 1, 1988; amended at **12** Ill. Reg. 16915, effective October 1, 1988; amended at **12** Ill. Reg. 19777, effective November 15, 1988; amended at **13** Ill. Reg. 5192, effective April 1, 1989; amended at **13** Ill. Reg. 7608, effective June 1, 1989; amended at **13** Ill. Reg. 12880, effective July 19, 1989; amended at **13** Ill. Reg. 12978, effective July 19, 1989; amended at **13** Ill. Reg. 13898, effective August 22, 1989; amended at **13** Ill. Reg. 15112, effective September 8, 1989; amended at **13** Ill. Reg. 17095, effective October 18, 1989; amended at **14** Ill. Reg. 4570, effective March 8, 1990; amended at **14** Ill. Reg. 5183, effective March 21, 1990

Section 1030.91 Disabled Person/Handicapped Identification Card

- a) For purposes of this Section, the following definitions shall apply:
- "Department" - Driver Services Department within the Office of the Secretary of State.
- "Handicapped Identification Card" - a standard identification card as defined in Section 4(a) of the Illinois Identification Card Act (Ill. Rev. Stat. 1987, ch. 124, par. 4(a)) issued for no fee to persons who meet the definition of handicapped as defined in Section 1-159.1 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-159.1) or who have a handicap so severe that it precludes him/her from obtaining an Illinois driver's license.
- "Illinois Disabled Person Identification Card" - identification card issued pursuant to Section 4(b) of the Illinois Identification Card Act (Ill. Rev. Stat. 1987, ch. 124, par. 4(b)).
- b) If a person wishes to obtain an Illinois Disabled Person Identification Card pursuant to Section 4(b) of the Illinois Identification Card Act (Ill. Rev. Stat. 1987, ch. 124, par. 4(b)), he/she shall fill out an application form provided by the Department.
- c) The Disabled Person Identification Card application shall include the person's name, address, social security number, height, weight, hair color, eye color and date of birth. The applicant's physician shall certify the type of disability that the person has as either physical, developmental, visual, hearing, or mental and the classification of the disability to be Class 1, Class 2, or Class 2a as

## NOTICE OF ADOPTED AMENDMENTS

defined in Section 4(a) of the Illinois Identification Card Act (Ill. Rev. Stat. 1987, ch. 124, par. 4(a)). The physician shall sign the application and also print or type his/her name, business address and business phone number.

d) If a person does not qualify for a Disabled Person Identification Card, he/she may apply for a Handicapped Identification Card and he/she shall complete an application as provided in subsections (b) and (c) except for the physician's certification as to the type of disability. The applicant must sign an affidavit contained on the application form stating that he/she meets the definition of a handicapped person as defined in Section 1-159.1 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-159.1) or that his/her handicap is so severe that it precludes him/her from obtaining an Illinois driver's license.

e.) The application forms shall not be accepted by the Department unless all portions of the form are completely filled out. Failure to complete the application properly shall result in the applicant's request being denied.

f) If an applicant for a Handicapped Identification Card indicates on his/her application that he/she has a handicap so severe that it precludes him/her from obtaining an Illinois driver's license and it is determined that he/she has a valid Illinois driver's license, a Handicapped Identification Card shall be issued and the case shall be forwarded to the Driver Analysis Section of the Department for review and possible cancellation of the driver's license. (92 Ill. Adm. Code 1040.80.)

(Source: Added at 14 Ill. Reg. 5183, effective March 21, 1990 )

## NOTICE OF ADOPTED AMENDMENT (S)

The Heading of the Part: Regulations under The Illinois Securities Law of 1953

Code Citation: 14 Ill. Adm. Code 130

Section Numbers: Adopted Action:

1) The Heading of the Part: Securities Law of 1953	Amendment
2) Code Citation: 14 Ill. Adm. Code 130	Amendment
3) Section Numbers: Adopted Action:	Amendment
130.100	Amendment
130.140	Amendment
130.201	Amendment
130.221	New Section
130.233	New Section
130.244	Amendment
130.247	New Section
130.370	New Section
130.440	Amendment
130.441	Amendment
130.442	New Section
130.491	Amendment
130.532	Amendment
130.533	Amendment
130.700	Amendment
130.701	New Section
130.805	New Section
130.822	Amendment
130.823	New Section
130.824	Amendment
130.827	Amendment
130.828	New Section
130.829	Amendment
130.832	Amendment
130.842	New Section
130.844	Amendment
130.852	Amendment
130.1100	Amendment
130.1101	Amendment
130.1102	Amendment
130.1103	New Section
130.1104	New Section
130.1105	New Section
130.1106	New Section
130.1107	New Section
130.1108	New Section
130.1109	Renumbered; New Section
130.1110	Renumbered; Amendment
130.1111	Renumbered; Amendment
130.1112	New Section
130.1113	New Section
130.1114	New Section

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## NOTICE OF ADOPTED AMENDMENT(S)

- 130.1115              New Section
- 130.1116              New Section
- 130.1117              New Section
- 130.1118              New Section
- 130.1119              New Section
- 130.1120              New Section
- 130.1121              Amendment
- 130.1122              Amendment
- 130.1123              Amendment
- 130.1124              Amendment
- 130.1125              New Section
- 130.1126              New Section
- 130.1127              New Section
- 130.1128              New Section
- 130.1129              New Section
- 130.1120              New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 121  
1/2, par. 137.1(A)
- 5) Effective Date of Rule(s): March 26, 1990
- 6) Does this rulemaking contain an automatic repeal date? Yes  
No
- 7) Does this rule contain incorporation by reference? Yes  
If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking? Yes
- 8) Date Filed in Agency's Principal Office: March 20, 1990
- 9) Notice of Proposal Published in Illinois Register:  
October 20, 1989, 13 Ill. Reg. 16302
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
- Section 130.244 - amended to correct statutory citation.
- Section 130.247 - amended to delete the word "not" in subsection (d) (3).
- Section 130.441 - amended to reword subsection (a) for clarity.
- Section 130.700 - amended to add the term "Section 5 and."

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- Section 130.822 - amended to remove inconsistency.
- Section 130.827 - amended to clarify the type of securities.
- Section 130.832 - amended to remove inconsistency.
- Section 130.842 - amended for clarity and to correct format and typographical errors.
- Section 130.844 - amended to correct typographical error.
- Section 130.1102 - amended to place stricken language prior to added language; reformatted for clarity.
- Section 130.1104 - amended to delete subsection (c).
- Section 130.1106 - amended to clarify in what jurisdictions that attorney's must be licensed; to provide for Supreme Court Rule 711; to clarify who may represent a corporation; and to delete subsection (b) (3), (e) and (f).
- Section 130.1108 - amended to clarify the rights which are waived for a failure to appear; to clarify reasons for a new hearing; and to clarify that depositions may be limited.
- Section 130.1111 - amended to reformat for clarity; to delete the affidavit requirement; to delete definition of "A real and compelling need."
- Section 130.1112 - amended to delete the text of subsection (b) and restated it for clarity and to provide for statutory citation; and deleted the text of subsection (c) and rewroded for clarity.
- Section 130.1117 - amended to reflect current statutory citations.
- Section 130.1129 - amended to clarify that motion for a new hearing may be made if there is newly discovered evidence.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these rules replace any emergency rules currently in effect? No
- 14) Are there any amendments pending on this Part? No

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## NOTICE OF ADOPTED AMENDMENT(S)

15) Summary and Purpose of Rules:

Section 130.100 - reflects the mailing addresses of the Springfield and Chicago offices.

Section 130.140 - reflects that additional documents filed with the Securities Department are subject to the Rule.

Section 130.201 - defines additional investments as investment contracts.

Section 130.221 - sets forth exclusions from the definition of "investment adviser".

Section 130.233 - defines the phrase "promissory note or draft, bill of exchange or bankers' acceptance."

Section 130.244 - defines the type of report to be filed.

Section 130.247 - defines the term "public" for purposes of disclosure of information.

Section 130.370 - set forth the National Association of Securities Dealers Automated Quotation System National Market System as a recognized Automated Quotation System.

Section 130.446 - reflects changes in filing requirements and other clarifying and conforming changes.

Section 130.441 - sets forth procedures to calculate the number of subscribers and purchasers and clarifying changes.

Section 130.442 - sets forth an additional representation in the report of sale and conforming changes.

Section 130.491 - sets forth the information required in the report of sale.

Section 130.532 - sets forth procedures for the registration of additional securities.

Section 130.533 - sets forth additional requirements for filing post-effective amendments for registration by qualification and clarifying changes.

Section 130.700 - sets forth conforming changes.

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Section 130.701 - sets forth the required information to be included in an application for registration of investment fund shares.

Section 130.805 - sets forth persons who are exempted from registration as an investment adviser and the procedures for other persons to petition the Secretary of State for an exemption from registration as an investment adviser.

Section 130.822 - sets forth examinations to determine sufficient knowledge of each principal of a registered dealer.

Section 130.823 - sets forth procedures to request a waiver of the dealer, salesperson or investment adviser examination requirements.

Section 130.824 - sets forth financial statements required to be filed by registered investment advisers.

Section 130.826 - sets forth net capital requirements of a registered dealer.

Section 130.827 - sets forth procedures for a registered dealer to request acknowledgement that a transaction was unsolicited.

Section 130.828 - sets forth procedures for registered dealers to file notice of adverse financial conditions.

Section 130.829 - sets forth investor protection requirements for registered dealers and exceptions therefrom.

Section 130.832 - sets forth examination requirements for registered salespersons.

Section 130.842 - sets forth examination requirements for registered investment advisers.

Section 130.844 - sets forth the statement of financial condition to be filed by certain investment advisers.

Section 130.852 - reflects a clarification of the type of compensation that an investment adviser can charge.

Section 130.1100 - clarifies to provide that hearings are to be held without unnecessary delays and technical changes.

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Section 130.1101 - repeals existing section and sets forth the qualifications and duties of a hearing officer.

Section 130.1102 - defines a contested case for purposes of administrative hearings.

Section 130.1103 - sets forth the information required in notices of hearing, the method of service, time frame to serve such notice and technical changes.

Section 130.1104 - sets forth procedures for a respondent to file an answer after Notice of Hearing is issued in an administrative case.

Section 130.1105 - reflects procedure to amend or withdraw a Notice of Hearing.

Section 130.1106 - sets forth the person who may appear at an administrative hearing.

Section 130.1107 - sets forth the method of contesting the Secretary of State's jurisdiction.

Section 130.1108 - sets forth the procedure to substitute parties to an administrative hearing.

Section 130.1109 - sets forth the sanctions for the failure to appear at an administrative hearing.

Section 130.1110 - reflects the types of motions which can be made at an administrative hearing.

Section 130.1111 - sets forth the procedures to grant a continuance of an administrative hearing to a future date.

Section 130.1112 - sets forth the authority of the hearing officer to administer oaths, subpoena witnesses or documents, examine witnesses and rule upon admissibility of evidence.

Section 130.1113 - sets forth the size, content and service of documents in an administrative hearing.

Section 130.1114 - sets forth the procedure to demand a bill of particulars and a response in an administrative hearing.

Section 130.1115 - sets forth the procedures for discovery of evidence and exceptions to such discovery in an administrative hearing.

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Section 130.1116 - sets forth the procedure for the examination of witnesses at an administrative hearing.

Section 130.1117 - sets forth the procedure to obtain a subpoena for the attendance of witnesses or production of documents at an administrative hearing and sets fees.

Section 130.1118 - reflects the purposes of a form of pre-administrative hearing conferences.

Section 130.1119 - reflects the requirements to make and maintain a record of a pre-administrative hearing conference.

Section 130.1120 - reflects the sequence of events to be followed at an administrative hearing.

Section 130.1121 - reflects the documents which constitute the appeal of an administrative order.

Section 130.1122 - reflects the method to enter a final administrative order and basis required for the entry of such order.

Section 130.1123 - sets forth the burden of proof and standard of proof at an administrative hearing.

Section 130.1124 - reflects the method to create a record of an administrative hearing.

Section 130.1125 - sets forth the methods that parties to an administrative hearing can stipulate to facts.

Section 130.1126 - reflects that administrative hearings are open to the public and limits the method of recording such hearings.

Section 130.1127 - sets forth the method to correct a transcript of an administrative hearing.

Section 130.1128 - reflects situations where administrative fines are an appropriate remedy.

Section 130.1129 - sets forth procedures to seek a rehearing or an additional administrative hearing.

Section 130.11520 - sets forth procedures to request a non-binding statement.



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<u>Sales Activities</u> , as Used in Section 2.9 of the Act	130.251	Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the Act
<u>Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.1 of the Act</u>	130.270	Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act
<u>Definition of "Investment Fund Shares"</u> , as Used in Section 2.15 of the Act in Relation to Certain Issuers	130.280	Definition of the Term "Branch Office", as Used in Section 8 of the Act
<u>Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act</u>	130.282	Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act
<u>Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act</u>	130.285	Definition, For Certain Purposes, of the Terms "Inequitable", "Tend to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act
<u>Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act</u>	130.291	Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for Purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities involving an Oil, Gas or Other Mineral Lease, Right or Royalty under Sections 4C and 4D of the Act
<u>Definition of the Term "Institutional Investor" under Section 4C and 4D of the Act</u>	130.295	Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act
<u>Definition of the Term "Financial Institution" under Section 4C and 4D of the Act</u>	130.296	Definition of the Term "Institutional Investor" under Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)", as Used in Section 4(F)(1) 4.P(4)1 of the Act <u>With-Respect-to-S certain-For eign-Private Issuers</u>
<u>Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act</u>	130.436	Section 130.436 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act
<u>Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4(G) of the Act and "General Advertising or General Solicitation" Under Sections 4(G), 4(H), 4(M) and 4(R) of the Act</u>	130.440	Section 130.440 Procedures for Filing Reports of Sale under Section 4(G) 4-6 of the Act
<u>Definition of the Term "Public" as Used in Section 4(G)(4) of the Act</u>	130.441	Section 130.441 Calculation of Number of Persons Under Section 4(G) or 4(M) 46 of the Act
<u>Definition of the Terms "Offers for Sale" and "Solicitations of Offers to Buy", as Used in Section 4.L of the Act</u>	130.442	Section 130.442 Report of Sale of Securities Pursuant to Section 4(G) 4-6 of the Act <u>for all sales made after January-17-1984</u>
<u>Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act</u>	130.490	Section 130.490 Procedures for Filing Reports of Sale under Section 4.P of the Act
	130.491	Section 130.491 Report of Sale of Securities Pursuant to Section 4(P) of the Act

## SUBPART E: REGISTRATION OF SECURITIES

## SUBPART D: EXEMPT TRANSACTIONS

Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act

## SUBPART C: EXEMPT SECURITIES

Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act

Procedures for Filing Reports of Sale under Section 4(G) 4-6 of the Act

Calculation of Number of Persons Under Section 4(G) or 4(M) 46 of the Act

Report of Sale of Securities Pursuant to Section 4(G) 4-6 of the Act for all sales made after January-17-1984

Procedures for Filing Reports of Sale under Section 4.P of the Act

Report of Sale of Securities Pursuant to Section 4(P) of the Act

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Section Title of Securities	1130.501	Financial Statement Requirements
	1130.502	Disclaimer of Control
	1130.503	Formal Requirements as to Consents
	1130.505	Consents Required in Special Cases
	1130.506	Application to Dispense with Consent
	1130.507	Consent to Use of Material Incorporated by Reference
	1130.510	Procedures for Registration of Securities by Coordination under Section 5(A) of the Act
	1130.520	Procedures for Registration of Securities by Qualification under Section 5.B of the Act
	1130.530-	Renewal of Registration of Securities Under Section 5(E) of the Act
	1130.531	Computation of Fees
	1130.532	Registration of Additional Securities Pursuant to Section 5(C)(2) of the Act
	1130.533	Formal Requirements for Amendments Under Section 5 of the Act
	1130.534	Powers to Amend or Withdraw Registration Statement
	1130.535	Signatures of Amendments
	1130.536	Delaying Amendments
	1130.538	Withdrawal of Registration Statement or Amendment Procedure with Respect to Abandoned Registration Statements, Applications for Trading Authorizations and Post-Effective Amendments
	1130.540	Additional Fees Under Section 5 of the Act Legibility of Prospectuses
	1130.550	Presentation of Information in Prospectuses Summaries or Outlines of Documents
	1130.570	Preparation of Application for Registration Incorporation of Certain Information by Reference Form of and Limitation Upon Incorporation by Reference
	1130.571	Statement Required in Prospectuses
	1130.572	Prospectuses Supplementing Preliminary Material Supplied Previously
	1130.573	Application of Amendments to this Part Governing Contents of Prospectuses
	1130.574	Statement as to Stabilizing Required in Prospectuses Filed Under Section 5.B of the Act
	1130.575	Contents of Prospectus When Two or More Registrations Are in Effect Under Section 5.B of the Act
	1130.576	Identifying Statements
	1130.577	Requirements as to Appraisals
	1130.578	Ommission of Substantially Identical Documents Incorporation of Exhibits by Reference
	1130.581	
	1130.582	

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**SUBPART E: FACE AMOUNT CERTIFICATE CONTRACTS**

Section 1130.600	Preamble Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6(A) of the Act
1130.610	Renewal of Registration of Face Amount Certificate Contracts Under Section 6(F) of the Act Additional Fees Under Section 6 of the Act
1130.630	
1130.650	
	<b>SUBPART G: INVESTMENT FUND SHARES</b>
Section 1130.700	Preamble <u>Title of Investment Fund Shares Registered Under Section 5 or 7 of the Act</u>
1130.701	<u>Procedures for Registration of Investment Fund Shares by Coordination under Section 7 (A) of the Act</u>
1130.710	<u>Amendatory Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7 (D) of the Act</u>
1130.715	<u>Renewal of Registration of Investment Fund Shares Under Section 7 (G) of the Act</u>
1130.730	<u>Additional Fees Under Section 7 of the Act</u>
1130.750	<u>Acts Which "Work or Tend to Work a Fraud or Deceit", in Connection with Offers, Sales or Dispositions of Investment Fund Shares</u>
	<b>SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS</b>
Section 1130.805	<u>Exemptions From Registration as an Investment Adviser Under Section 8(A) of the Act</u>
1130.810	<u>Procedures for Registration as a Dealer Under Section 8 (B) of the Act</u>
1130.811	<u>Procedures for Perfecting an Investment Adviser Exemption under Section 2.11(6) of the Act</u>
1130.820	<u>Procedure for Renewal and Withdrawal from Registration as a Dealer</u>
1130.821	<u>Reporting Fees</u>
1130.822	<u>Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8(B)(9)(el), 8-B-79† of the Act Prior to for Registration as a Dealer</u>



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Investors Syndicate of America, Inc.  
State Bond and Mortgage Company

SUBPART Q: PUBLIC INFORMATION

Section 130.1701  
Inspection of Applications  
Inspection of Dealer, Salesperson and Investment  
Adviser Records

Section 130.1703  
Non-Public Distribution of Information

AUTHORITY: Implementing and authorized by The Illinois  
Securities Law of 1953 (111. Rev. Stat. 1987, ch. 121 1/2, par.  
137.1 et seq.).

SOURCE: Filed February 23, 1977, effective March 5, 1977;  
amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended  
at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill.  
Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective  
December 31, 1983, for a maximum of 150 days; emergency amendment  
at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of  
150 days; emergency amendment at 8 Ill. Reg. 3803, effective  
March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg.  
13419, effective July 12, 1984; emergency amendment at 8 Ill. Reg.  
effective July 19, 1984; emergency amendment at 8 Ill. Reg.  
13889, effective July 20, 1984, for a maximum of 150 days;  
amended at 9 Ill. Reg. 208, effective December 20, 1984;  
emergency amendment at 10 Ill. Reg. 393, effective January 1,  
1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10753,  
effective June 3, 1986; recodified at 10 Ill. Reg. 19554;  
effective amendment at 13 Ill. Reg. 11017, effective July 1,  
1989, for a maximum of 150 days; emergency expired November 28,  
1989; amended at 14 Ill. Reg. 51884, effective December 30, 1989;  
amended at 14 Ill. Reg. 5188 \_\_\_\_\_, effective March 26, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART A: RULES OF GENERAL APPLICATION

Section 130.100 Business Hours of the Securities Department of  
the Secretary of State

- a) The principal office of the Securities Department at  
900 S. Spring Street, of-the-Secretary-of-State,  
Springfield, Illinois 62704, is open each day, except  
Saturdays, Sundays and holidays, from 8:00 a.m. to 4:30  
p.m. Central Standard Time or Central Daylight Savings  
Time, whichever is currently in effect in Springfield.

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- b) An office of the Securities Department, of-the-Secretary  
of-State at 188 West Randolph Street, Room 426L  
Chicago, Illinois 60601 is open each day, except  
Saturdays, Sundays and holidays, from 8:30 a.m. to 5:00  
p.m. Central Standard Time or Central Daylight Savings  
Time, whichever is currently in effect in Chicago.

(Source: Amended at 14 Ill. Reg. 5188 \_\_\_\_\_, effective  
March 26, 1990.)

Section 130.140 Requirements as to Proper Form

Any document filed with the Secretary pursuant to the Act An  
application-for-registration shall be prepared in accordance with  
the form, if any, prescribed therefor by the Secretary of State  
as in effect on the date of filing. Any such document  
application-for-registration shall be deemed to be filed on the  
proper form unless objection to the form is made by the  
Securities Department. Secretary-of-State

(Source: Amended at 14 Ill. Reg. 5188 \_\_\_\_\_, effective  
March 26, 1990.)

SUBPART B: DEFINITIONS

Section 130.201 Definition of the Term "Investment Contract", as  
Used in Section 2.1 of the Act  
The term "investment contract" shall include, but not be limited  
to:means-and-includes

- a) any interest or participation in a contract,  
transaction, scheme, common enterprise, or  
profit-seeking venture whereby the investor transfers  
capital to the promoter or promoters thereof or invests  
therein and looks to the promoter or promoters for the  
success of the venture;
- b) any interest as a limited partner in a limited  
partnership;
- c) b<sup>an</sup>y investment with regard to completion costs  
of any oil, gas, or other mineral lease, right or  
royalty; and

(Source: Amended at 14 Ill. Reg. 5188 \_\_\_\_\_, effective  
March 26, 1990.)

SUBPART C: REGISTRATION REQUIREMENTS

- a) any enterprise-or-venture-whereby-the-investor-is  
seized-to-transfer-initial-capital-to-an-enterprise  
on-the-promise-or-inducement-that-a-value-or-benefit  
will-accrue-to-the-investor-from-the-enterprise-where

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the-investor's-capital-is-placed-at-risk-by-the-enterprise-and-the-investor-assesses-no-managerial-or-operational-control-over-the-enterprise.

- d) any enterprise or venture whereby the investor is solicited to transfer initial capital to an enterprise on the promise or inducement that a value or benefit will accrue to the investor from the enterprise where the investor's capital is placed at risk by the enterprise and the investor asserts no managerial or operational control over the enterprise.

(Source: Amended at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.221 Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act  
Any person whose investment advice is limited to providing such advice to his or her employer as part of the employee's regular assigned duties, who receives no special compensation on account of such advice (other than salary and other compensation generally available to persons at a similar level of responsibility within the employer) and who is not held out to the public as an investment adviser by the employer is hereby designated as a person not within the intent of Section 2.11 of the Act pursuant to Section 2.11(6) thereof.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.233 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act  
The phrase "promissory note or draft, bill of exchange or bankers' acceptance" as used in Section 3(L) of the Act shall mean a negotiable security which is eligible for discounting pursuant to 12 U.S.C. Sections 24(7) and 85, by banks which are members of the Federal Reserve System, pursuant to 12 U.S.C. Sections 222, 282, 321 and 333.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.244 Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant

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to the Provisions of Section 13 or Section 15(d) as Used in Section 4(F)(1) 4-F-11 of the Act with-Respect-to-Certain Foreign-Private-Issuers

- a) "Issuer required to file reports pursuant to the provisions of Section 13 or Section 15(d) of the Federal 1934 Act", as defined in Section 130.200 of this Part, as used in Section 4(F)(1) 4-F-11 of the Act shall be deemed to include any foreign private issuer with respect to which there is furnished to the United States Securities and Exchange Commission the information specified in Rule 12g-3-2(b)-under-the Federal 1934-Act 17 CFR 12g-3-2(b) e-F-R-Section 240-3b-4-(e) as in effect on July 1, 1989 (no subsequent amendments or editions) January 17, 1986, and "reports required to be filed at regular intervals pursuant to the provisions of Section 13 or Section 15(d)" shall be deemed to include the information furnished by such an issuer to the United States Securities and Exchange Commission pursuant to 17 CFR Rule 12g 3-2(b) under-the Federal 1934-Act. For purposes of this Section, the term "foreign private issuer" shall have the meaning ascribed thereto in Rule 3b-4-(e)-under-the-Federal-1934 Act 17 CFR e-F-R-Section 240-3b-4 (c), as in effect on July 1, 1989 (no subsequent amendments or editions) January 17, 1986.

- b) The term "reports required to be filed at regular intervals pursuant to the provisions of Section 13 or Section 15(d)" as used in Section 4(F)(1)(c) of the Act shall not include any current report on Form 8-K required to be filed with the SEC; provided, however, that such term as used in Section 1(F)(1)(d) of the Act shall include any current report on Form 8-K which, to the actual knowledge of the dealer, has been filed under the Federal 1934 Act, as defined in Section 130.200 of this Part.

(Source: Amended at 14 Ill. Reg. 5188  
March 26, 1990.)

Section 130.247 Definition of the Term "Public" as Used in Section 4(G)(4) of the Act  
The term "public" as used in Section 4(G)(4) of the Act shall not include:

- a) A purchaser of the securities named in the Report of Sale, so long as the information disclosed is limited

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- to the information in such Report, if any, concerning the sale of securities to the person requesting the information;
- b) The issuer, controlling person or dealer who filed the Report of Sale with respect to which information is disclosed, or on whose behalf such Report of Sale was filed with the Secretary;
- c) The agent, representative or attorney of a person referred to in subsection (a) or (b) of this Section, provided that such agent, representative or attorney submits written authorization from such person authorizing the release of such information with respect to such person;
- d) Any state, federal or other governmental agency, or any self-regulatory organization registered under the Federal 1934 Act, as defined in Section 130.200 of this Part, or Federal 1936 Act, as defined in Section 130.200 of this Part, provided the following conditions are satisfied:

- 1) The party seeking the information submits a written request therefor to the Securities Department;
- 2) The written request contains a representation that the information has been requested for purposes of gathering information in connection with an investigation being conducted by the respective governmental or self-regulatory authority; and
- 3) The written request contains an undertaking on behalf of the respective governmental authority or self-regulatory organization which provides that any information or documents tendered in response to the request shall not be disclosed to any person employed outside of the government or self-regulating organization conducting the investigation without prior written approval of the Securities Director, or his or her designee unless so ordered by a court of competent jurisdiction.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990.)

## SUBPART C: EXEMPT SECURITIES

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- Section 130.370 Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act
- The National Association of Securities Dealers Automated Quotation National Market System shall be deemed for purposes of Section 3(G) of the Act to be an automated quotation system with standards for designation that are substantially equivalent to the standards that are required for listing on one or more of the exchanges set forth in Section 3(G) of the Act.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990.)

## SUBPART D: EXEMPT TRANSACTIONS

- Section 130.440 Procedures for Filing Reports of Sale under Section 4(G) 4-6 of the Act
- a) §§ The issuer, controlling person, or dealer shall file with the Springfield Office of the Securities Department one copy of the Report of Sale on Form 4G manually signed by a person duly designated by the filing party, accompanied by the filing fee referred to below:

- 1) At no later than 3 6 months after the first sale of securities made to an Illinois resident in reliance upon Section 4(G) 4-6 of the Act; and
- 2) ~~B+~~ thereafter until all such sales have been concluded, every 3 6 months after the date of the first sale of securities made to an Illinois resident in reliance upon Section 4(G) 4-6 of the Act, subsequent to the date upon which the most recent prior Report of Sale was required to be filed with the Securities Department, until all such sales have been concluded, and

Et---no-later-than-30-days-after-the-date-on-which-the-fixer-controlling-person-or-dealer-as-the-case-may-be-determines-that-no-further-sales-of-securities-will-be-made-to-filinois-residents-in-reitance-upon-Section-4-6-of-the-Act-is-provided-that-such-date-shall-be-no-later-than-the-date-of-the-last-sale-of-securities-pursuant-to-that-offering-of-which-the-securities-being-offered-in-reitance-upon-Section-4-6-of-the-Act-are-a-part.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990.)

## SUBPART C: EXEMPT SECURITIES

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2) ---Notwithstanding-the-foregoing-if-the-sales-have been-concluded-within-any-6-month-period-described in-subparagraph-(A)-or-(B)-of-paragraph-(I)-and the-Report-of-Sales-is-filled-no-later-than-the-end of-that-period-but-within-the-30-day-period described-in-subparagraph-(G)-of-paragraph-(I), then-only-one-Report-of-Sale-need-be-filled-for that-period.

- b) The filing fee for each Report of Sale required under Section 4(G) 4-6 of the Act shall be 1/10th of 1% of the aggregate dollar amount reported therein, but not less than the minimum nor more than the maximum fee specified in Section 130.110 130-102 of this Part. The Report of Sale shall not be deemed to be filed until the proper filing fee therefor is delivered submitted to the Springfield-officer-of the Securities Department.
- c) The Securities Department Secretary-of-State will review a Report of Sale submitted under Section 4(G) 4-6 of the Act and notify the filing party of any deficiencies. A Report of Sale shall not be deemed to be filed unless the information required by Section 130.442 of this Part 4-6-of-the-Act is included therein without any material deficiency.

- d) The Securities Department shall Secretary-of-State-may impose-in-such-ease-where-appropriate, a penalty for failure to file any Report of Sale required under Section 4(G) 4-6 of the Act in a timely manner. The penalty for the first failure to file timely shall be an amount equal to the filing fee for that Report of Sale. The penalty for any subsequent failure to file timely shall be an amount equal to five times the filing fee for that Report of Sale \$500.00.

(Source: Amended at 14 Ill. Reg. 5188, effective March 26, 1990.)

## Section 130.441 Calculation of Number of Persons Under Section 4(G) or 4(M) 46 of the Act

- a) For purposes of Section 4(G) and 4(M) of the Act, any sale or issuance of securities to, or subscription by, two (2) or more persons as joint tenants with right of survivorship shall be deemed to be a sale or issuance to one purchaser or subscriber, as the case may beEach purchaser-who-acquires-securities-under-section-46-of the-Act-shall-be-deemed-a-person-unless-such

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securities-are-sold-to-more-than-one-person-as-joint tenants-with-right-of-survivorship--Any-sale-of securities-to-purchasers-as-joint-tenants-with-right-of survivorship-shall-be-deemed-to-be-a-sale-to-one-person.

- b) The sale of securities under Section 4(G) 46 or subscription to purchase securities or issuance of securities under Section 4(M) of the Act to any relative, spouse or relative of the spouse of a purchaser or subscriber who has the same principal residence or domicile as the purchaser or subscriber shall not be deemed to be a sale to an additional purchaser or subscriber person.

- c) Each entity shall be counted as one purchaser or subscriber, unless the entity has been in existence for at least nine months and has conducted the business for which the entity was formed other than the business of acquiring securities, in which event each beneficial owner of equity securities or equity interests in the entity shall be counted as a separate purchaser or subscriber for purposes of Section 4(G) or 4(M) of the Act.

(Source: Amended at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.442 Report of Sale of Securities pursuant to Section 4(G) 4-6 of the Act for-all-sales-made-after-January-17-1984

The Report of Sale of securities sold in this State in reliance upon Section 4(G) 4-6 of the Act shall contain, but not be limited to:

- a) the name, address and telephone number of the issuer, and as applicable, of the controlling person and dealer;
- b) a description of the securities sold to residents of this State;
- c) the total amount of the securities sold to residents of this State in reliance upon Section 4(G) 4-6 of the Act for the period covered by the Report of Sale and to the date of the Report of Sale;
- d) for the sales covered by the Report of Sale, the names and addresses of the purchasers who report to the issuer that they are residents of this State and the dates on which the sales were made; and

## Section 130.441 Calculation of Number of Persons Under Section 4(G) or 4(M) 46 of the Act

- a) For purposes of Section 4(G) and 4(M) of the Act, any sale or issuance of securities to, or subscription by, two (2) or more persons as joint tenants with right of survivorship shall be deemed to be a sale or issuance to one purchaser or subscriber, as the case may beEach purchaser-who-acquires-securities-under-section-46-of the-Act-shall-be-deemed-a-person-unless-such

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- e) a representation that the sales covered by the Report of Sale were not made by means of general advertising or general solicitation in this State; and
- f) et a representation that sales of such securities were not made, commissions were not paid and prospectuses were not delivered, in each case in excess of those permitted by Section 4(G) 4-6 of the Act.
- (Source: Amended at 14 Ill. Reg. 5188, effective March 26, 1990.)
- Section 130.491 Report of Sale of Securities Pursuant to Section 4(P) of the Act
- The Report of Sale of securities sold in reliance upon Section 4(P) of the Act shall contain, but not be limited to:
- the name, address and telephone number of the issuer, and as applicable, of the controlling person and dealer;
  - a description of the securities sold to residents of this State;
  - the total amount of the securities sold to residents of this State in reliance upon Section 4(P) of the Act for the period covered by the Report of Sale and to the date of the Report of Sale;
  - for the sales covered by the Report of Sale, the names and addresses of the purchasers who report to the issuer that they are residents of this State and the dates on which the sales were made;
  - a representation that no commission, discount or other remuneration was paid or given, directly or indirectly, for or on account of the sales covered by the Report of Sale;
  - a representation that as of the date of the Report of Sale:
- no person owned or beneficially securities of the issuer having a value in excess of the lesser of \$5,000 or 4% of the equity capitalization of the issuer;
  - the population of the municipality within which the area that is to be redeveloped is located did

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not exceed 50,000 as of the last United States Census;

- 3) all officers and directors of the issuer had been residents of such municipality for not less than 3 years immediately preceding the effectiveness of the offering sheet (i.e. disclosure statement) descriptive of the securities covered by the Report of Sale; and
- 4) no event had occurred which rendered the offering sheet then on file with the Securities Department, including any amendments thereto, misleading, or as the result of which such offering sheet, as amended, omitted to state a material fact necessary to make the statements in the offering sheet, in light of the circumstances, not misleading. Misleading statements would include, but not be limited to, material changes in financial condition, litigation having been filed against the issuer claiming more than 10% of the assets of the issuer, changes in management, and changes in the number of shares outstanding.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990.)

## SUBPART E: REGISTRATION OF SECURITIES

Section 130.532 Registration of Additional Securities Pursuant to Section 5(C)(2) of the Act

The registration of additional securities that are part of the same offering of the same class-as-other-securities for which an application for registration is already in effect shall be effected pursuant to Section 5(C)(2) of the Act by filing an amended cover page to the Form U-1 on file with the Securities Department to reflect the increased amount of securities to be registered and paying to the Securities Department the additional fee specified in Section 130.110 of this Part through-a-separate application-for-registration-relating-to-the-additional-securities-and-payment-of-the-required-additional-registrations fees.

(Source: Amended at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.533 Formal Requirements for Amendments Under Section 5 of the Act

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Any amendment Amendments to an application for registration under Section 5 of the Act shall be filed under cover of an appropriate facing sheet, shall be numbered consecutively in the order in which filed, and shall conform to all pertinent Rules applicable to the original application for registration. Each post-effective amendment which amends a prospectus filed pursuant to Section 5(B) of the Act shall be accompanied by the examination fee specified in Section 130.110 of this Part.

(Source: Amended at 14 Ill. Reg. 5188, effective  
March 26, 1990.)

## SUBPART G: INVESTMENT FUND SHARES

## Section 130.700 Preamble

The Rules regulations contained in this Subpart shall apply to all investment companies or investment funds or persons issuing investment fund shares as that term is defined in Section 2.15 of the Act and Section 130.225 of this Part and to all investment fund shares registered pursuant to Sections 5 and 7 of the Act.

(Source: Amended at 14 Ill. Reg. 5188, effective  
March 26, 1990.)

## Section 130.701 Title of Investment Fund Shares Registered Under Section 5 or 7 of the Act

Wherever the title of investment fund shares is required to be stated in an application for registration under Section 5(A) or 7(A) of the Act there shall be given such information as will indicate the type and character of the investment fund shares, including the following:

- a) the name of the issuer;
- b) the type of shares being offered;
- c) the par value of the shares (if any);
- d) an indication of whether the company is a series company; and
- e) a list of series, portfolios or classes if the company is a series company.

(Source: Added at 14 Ill. Reg. 5188, effective  
March 26, 1990.)

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SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section 130.805 Exemptions From Registration as an Investment Adviser Under Section 8(A) of the Act

The Secretary pursuant to Section 8(A) of the Act hereby exempts from registration as an investment adviser:

- a) any investment adviser whose only clients in this State are any one or more of the following, whether acting on their own behalf or in some fiduciary capacity:
  - 1) investment companies as defined in the Federal 1940 Investment Company Act, as defined in Section 130.200 of this part;
  - 2) employee pension or profit-sharing plans or trusts having total assets of not less than five million dollars (\$5,000,000.00);
  - 3) governments and governmental agencies or instrumentalities, and whether acting for itself or as a trustee with investment control; or
  - 4) banks, savings banks, savings institutions, trust companies, insurance companies, building and loan associations and other financial institutions or institutional investors, and any other persons to whom an offer, sale or issuance of a security would be exempt pursuant to Section 4(C), 4(D) or 4(H) of the Act, provided that such person's maintain a net worth of not less than one million dollars (\$1,000,000.00); and

- b) any investment adviser who during the immediately preceding twelve (12) consecutive months did not generally advertise or generally solicit clients in this State as described in Section 130.246(d) of this part and has not had more than five (5) clients in this State in addition to clients of the types specified in subsection (a) of this Section, whether or not such investment adviser is then present in this State.

(Source: Added at 14 Ill. Reg. 5188, effective  
March 26, 1990.)

Section 130.822 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section

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3(B) (9) (a) 8-B-49+ of the Act Prior to for Registration as a Dealer

- a) Passage of the Series 24 (formerly Series 40 or Series 001) (General Securities Principal Examination) and the Series 63 (Uniform Securities Act Law Examination) conducted by the National Association of Securities Dealers (NASD) shall qualify a principal or principals of legal age in this State on appropriate person or persons on behalf of a registered dealer without limitation in this State.
- b) Passage of the Series 26, 39 or 53 examination and the Series 63 Examination (Uniform Securities Act Law Examination) conducted by the NASD shall qualify by examination a principal or principals of legal age in this State the appropriate person or persons on behalf of a registered dealer for registration in a limited capacity in this State.
- 1) The Series 26 examination (Investment Company/Variable Contracts Products (ICVC) Principal Examination) and Series 63 (Uniform Securities Act Law Examination) shall qualify the registered dealer to offer or sell variable annuities or securities issued by investment companies.
- 2) The Series 39 (Direct Participation Programs Principal (DPP) Examination) and Series 63 (Uniform Securities Act Law Examination) shall qualify the registered dealer to offer or sell direct participation programs in the form of limited partnerships or joint venture interests in tax shelter programs.
- 3) The Series 53 (Municipal Securities Principal Examination) and Series 63 (Uniform Securities Act Law Examination) shall qualify the registered dealer to offer or sell securities of municipalities or industrial development revenue obligations.
- c) All scheduling for the examinations referred to in subsections (a) and (b) of this Section above shall be made with, and fees paid to, an office of the NASD. The applicant for registration as a dealer shall submit in writing satisfactory evidence of passing the examination prior to registration in this State if such

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information is not available to the Securities Department through the CRD.

(Source: Amended at 14 Ill. Reg. 5188, effective March 26, 1990.)

- Section 130.823 Procedure for Requesting Waiver of Dealer Salesperson or Investment Adviser Examination Requirements
- a) If a person applying for registration as a dealer salesperson or investment adviser seeks a waiver of the examination requirement, as provided in Section 8 of the Act, the request for the waiver shall be in writing on a form and in the manner prescribed by the Secretary.
- b) The request for the waiver of the examination requirement shall contain the following information:
- 1) The business name and address of the dealer (or investment adviser for investment adviser applicants) with which the applicant is or will be associated;
  - 2) The official title and connection of the applicant with the dealer (or investment adviser);
  - 3) The applicant's legal name;
  - 4) The applicant's business address and telephone number;
  - 5) The applicant's residential address and telephone number;
  - 6) The applicant's date of birth;
  - 7) A list of any other names the applicant has used including the dates used, the reason for the name change, and the date the applicant's present name was adopted;
  - 8) The amount of ownership of capital stock or partnership interest of the dealer (or investment adviser) that the applicant is associated with;
- 9) The nature and tenure of each job the applicant currently holds or has held for ten (10) years prior to the date of the waiver request. In addition, investment adviser applicants must

provide the total aggregate dollar value of investment advisory accounts serviced, whether the applicant had discretionary authority over the accounts, and the total percentage of institutional accounts the applicant serviced of those entities enumerated in Section 4(C) of the Act;

10) The applicant's educational history including degrees received;

11) Any professional certifications or designations;

12) Any NASD or related examinations taken by the applicant;

13) The name, address and business affiliation of three (3) persons to whom the Secretary may address inquiries regarding experience, qualification and standing of the applicant; and

14) A list of where the applicant has been licensed or registered as a dealer, salesperson or investment adviser including the state or licensing agency, the type of license or registration and the period during which the registration was effective.

c) The request shall be signed and notarized. By signing the waiver request, the applicant is attesting to the following (unless a detailed explanation is attached):

1) The applicant has never had any license or registration as a dealer, investment adviser or salesperson, suspended, cancelled or revoked after notice and opportunity for hearing;

2) The applicant has never been temporarily or permanently enjoined from acting as an investment adviser, dealer, salesperson or employee thereof or from engaging in or continuing any conduct or practice in connection with activity as an investment adviser, dealer, salesperson, employee thereof or employee of any investment company, financial institution or insurance company after notice and opportunity for hearing;

3) The applicant has never been convicted of any felony or misdemeanor involving the purchase or sale of any securities or arising out of any

conduct as an investment adviser, dealer, salesperson, employee thereof or employee of any investment company, financial institution or insurance company;

- 4) The applicant has never been permanently or temporarily enjoined from the issuance, offering for sale, sale, promotion, negotiation, advertising or distribution of securities;
- 5) The applicant has never been named as a defendant in any proceeding arising from a complaint alleging a fraudulent act in any transaction of any kind or character;
- 6) The applicant has never been found by any state or federal board, body, department or commission to have willfully made any untrue statement of a material fact in any application for registration or license as a dealer, investment adviser or salesperson or in any report required to be filed with the subject body, board, department or commission or under the Federal 1934 Act, as defined in Section 130.200 of this Part, or to have willfully omitted to state in such application or report any material fact which is required to be stated therein; and
- 7) The applicant has never been disbarred or suspended from the practice of any profession.

- d) After the Securities Department receives the request, the request shall be granted or denied, based upon criteria which includes but is not limited to the following: education, years of experience in the securities business, past disciplinary history, and prior registration with the SEC, any state securities regulator, or the NASD. The applicant shall be informed in writing of the Securities Department's decision.

(Source: Added at 14 Ill. Reg. 5188  
March 26, 1990 )

- Section 130.824 Financial Statements Reports to be Filed Made by a Registered Dealer  
a Registered Dealer  
a Registered Dealer  
a) Each Every dealer registered by the Secretary of State  
shall file a financial statement reports-of-financial

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- condition containing the information required by a form designated-by the Secretary as follows of-State:
- 1) the financial statement a-report shall be prepared filed as of an audit date selected by the dealer within each calendar year;
  - 2) the financial statement such-reports shall be filed no later -not-more than the first day of the fourth month 60-days after the selected audit date fiscal-year-date-of-the-report-of-financial condition; and
  - 3) the time period covered by the statement reports for-any-two-consecutive-years shall be the twelve month period immediately following the date of the most recent audited statement; and as-of-dates within-four-months-of-each-other;
  - 4) should a dealer elect to change its audit date, a written request for variance in accordance with Section 130.190 of this Part from the filing Period covered by the statement shall be filed with the Securities Department in Springfield, Illinois. The request shall include the reason or reasons for the change and an affirmation that the dealer is currently in compliance with the requirements set forth under Section 130.826 of this Part. An unaudited statement, which includes a balance sheet and computations showing compliance with the requirements set forth under Section 130.826 of this Part, shall be filed with the Securities Department and shall be as of a current date. The audited statement when filed shall encompass the entire period of time which has elapsed since the date of the most current filing of an audited statement.

b) Each financial statement report-of-financial-condition filed pursuant to subsection -paragraph (a) of this Section hereof shall be audited prepared-and-certified by an independent certified public accountant and shall include the following:

- 1) a signed independent auditor's report;
- 2) a balance sheet;
- 3) an income statement;

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- 4) a statement of cash flow;
- 5) notes to the financial statements, if any;
- 6) a computation of net capital calculated pursuant to either the aggregate indebtedness or the alternative method;
- 7) a statement of changes in liabilities subordinated to the claims of general creditors, if any; and
- 8) a statement of computation for determination of reserve requirements for dealers computed in accordance with 17 CFR 240.15c3-3, as in effect on July 1, 1989 (no subsequent amendments or editions), if any.
- The statement shall be accompanied by the cover page, if any, designated by the Securities Department.
- c) The Secretary of-State may shall-at-his-discretion, require any dealer to file submit an interim financial statement report-of-financial-condition as of a date selected by the Secretary of-State. The Secretary of State shall specify whether or not the statement is report-if to be audited by an independent certified public accountant in circumstances including, but not limited to: the company has been in violation of its net capital requirement prescribed in Section 130.826 of this Part; an officer or employee has been convicted of embezzlement or theft of the dealer's funds; the dealer has been charged by a federal or state securities regulator or SRO of falsifying its books and records; and the dealer has merged with another dealer which has a record of past violations of its net capital requirements.
- d) If an unaudited interim financial statement is reports are required to be filed submitted by a dealer, the statement report shall contain an oath or affirmation that, to the best of the knowledge and the belief of the natural person making the oath or affirmation:
- 1) the financial statement and supporting schedules are true and correct; and
  - 2) neither the dealer, nor any partner, officer or director, as the case may be, has a proprietary interest in any account classified solely as that

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of a customer. The oath or affirmation shall be made before a person duly authorized to administer oaths or affirmations. If the dealer is a sole proprietorship, the oath or affirmation shall be made by the proprietor; if a partnership, by the general partner in charge of the dealer's financial affairs; or if a corporation, by a the dealer's chief financial duty-authorized officer.

- e) Each financial statement, except the independent auditors' report, the balance sheet and notes, if any, shall be deemed confidential when filed with the Securities Department. The independent auditors' report, the balance sheet and notes, if any, shall be a matter of public record and available to the public upon written request.
- f) Anything to the contrary notwithstanding, all of the information contained in any financial statement shall be available to any federal, state or local law enforcement agency, any state or federal financial regulator or any self-regulatory organization registered under any federal law upon written request to the Securities Department.

(Source: Amended at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.827 Confirmations

Every dealer, at or before the completion of each transaction with the dealer's customer, shall give or send to the customer written confirmation disclosing:

- a) whether the dealer is acting as agent for the customer, or as a dealer for the dealer's own account, or as an agent for some other person; and
- b) either the name of the person from whom the security was purchased or to whom it was sold for the customer, and the date and time when the transaction took place or the fact that the information will be furnished upon the request of the customer and the source and amount of any commission or other remuneration received or to be received by the dealer in connection with the transaction; and;

- c) in the case of transactions effected in securities which are Non-NASD National Market System OTC

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Securities in reliance upon Section 4(N) of the Act, a statement to the effect that the transaction was effected pursuant to an unsolicited Order or Offer to buy by the customer, and requesting that the customer return to the dealer a written acknowledgment that the order or offer to buy was unsolicited.

(Source: Amended at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.828 Notice of Materially Adverse Financial Condition Required to Be Filed With the Securities Department By a Registered Dealer

Each registered dealer which discovers it is no longer in compliance therewith the requirements under Section 130.826 of this Part shall file a notice with the Securities Department within 24 hours of the discovery of such non-compliance. Such notification shall be made by telegraphic communication, facsimile transmission or such other means of delivery.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.829 Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act

- a) On and after March 28, 1990, each dealer registered or re-registered with the Secretary under Section 8(B) of the Act shall be a member in good standing of the NASD, such as not being under suspension or revocation or having failed to pay dues or assessments; or
- b) On and after March 28, 1990, each dealer registered or re-registered with the Secretary under Section 8(B) of the Act shall be a member in good standing of the Securities Investor Protection Corporation as established in the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), as amended, such as not being under suspension or revocation or having failed to pay dues or assessments, or such other equivalent instrumentality of or corporation chartered by the United States which provides investor protection as authorized under federal law, except for the following dealers if they do not hold clients' cash or securities:

- 1) A dealer whose principal business in the Securities Investor Protection Corporation's

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determination is conducted outside the United States, its possessions and territories;

2) Any bank (other than a bank organized under the banking Laws of the State of Illinois or of the United States) registered as a municipal securities dealer with the SEC, pursuant to 17 CFR 240.15B(a) (2-1), as in effect on July 1, 1989 (no subsequent amendments or editions);

3) A government securities dealer registered under 17 CFR 240.15C(a)(1)(A), as in effect on July 1, 1989 (no subsequent amendments or editions); and

4) A dealer whose business consists exclusively of one or more of the following:

A) the distribution of shares of registered open end investment companies or unit investment trusts registered under Section 8 of the Federal 1940 Investment Company Act, as defined in Section 130-200 of this Part, Section 5 of the Federal 1933 Act, as defined in Section 130-200 of this Part and Section 5 or 7 of the Act;

B) the sale of variable annuities;

C) the business of insurance; or

D) the business of rendering investment advisory services to one or more investment companies registered under the Federal 1940 Investment Company Act, as defined in Section 130-200 of this Part, or to insurance company separate accounts.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130-832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8(C)(7) of the Act for Registration as a Salesperson

a) Passage of the Series 63 examination and the Series 1, 2, or 7 or-63 examination conducted by the National Association of Securities Dealers-NASD shall qualify a natural person who is eighteen years of age in this State for registration on behalf of a dealer,

controlling person or issuer as a salesperson without limitation in this State.

b) Passage of the Series 63 examination and Series 6, 72, or 52 or 62 examination conducted by the NASD shall qualify by examination a natural person who is eighteen years of age in this State for registration as a salesperson in a limited capacity in this State.

- 1) The Series 6 (Investment Company/Variable Contract Products (ICVC) Representative Examination) and the Series 63 examination shall qualify a salesperson to offer or sell securities issued by Investment Companies and variable contracts.
- 2) The Series 22 examination (Direct Participation Programs Limited Representative Qualification Examination) and the Series 63 examination shall qualify a salesperson to offer or sell direct participation programs in the form of limited partnerships or joint venture interests in tax shelter programs.
- 3) The Series 52 examination (Municipal Securities Representative Examination) and the Series 63 examination shall qualify a salesperson to offer and sell securities of municipalities and industrial development revenue obligations.
- 4) The Series 62 Examination (Corporate Securities Representative Examination) and the Series 63 examination shall qualify a salesperson to offer and sell corporate securities and bonds, real estate investment trusts and mortgage investment trusts.

c) All scheduling for the examinations referred to in subsections (a) and (b) of this Section above shall be made with and fees paid to an office of the NASD. The dealer, controlling person or issuer on whose behalf the salesperson is being registered shall submit in writing satisfactory evidence of passing the examination prior to registration of such person in the State if such information is not available to the Securities Department through the CRD.

(Source: Amended at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.842 Examinations and or Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8(D)(9) 8-Br-49+ of the Act Prior to for Registration as an Investment Adviser

a) Examinations:

- i)----Fifteen-Investment-Adviser-Bxmination administered-by-the-Securities-Department-
  - A)----No-Person-may-sit-for-the-examination-until and-unless
  - an-application-for-registration-as-an investment-adviser-has-been-filed Securities-Department-and-the-fitting fee-set-forth-in-Section-130-110-has been-paid;
  - the-examination-fee-in-the-amount-of \$50-has-been-paid; and
  - the-person-has-scheduled-(whiteh-maybe telephone-or-in-writing)-a-date-for the-examination.
  - By---A-schedule-of-examination-dates-will-be established-by-the-Securities-Department Such-schedule-will-be-available-upon request---Examinations-may-be-given-by appointment-based-upon-particular circumstances:
  - a) Examinations and Educational Programs.
  - 1) 2+ The General Securities Representative Principal Examination (Series 7 or 2-24) and the Uniform Investment Adviser Law Examination (Series 65) conducted by the National Association of Securities Dealers, Inc.(NASD) are deemed satisfactory for purposes of determining sufficient knowledge of each principal under Section 8(D)(9) of the Act; or.
  - 2) The Series 65 Uniform Investment Adviser Law Examination conducted by the NASD and the Educational Programs as set forth below are deemed satisfactory for purposes of determining
- b) At Examination-fee-in-the-amount-of
- c) b) The applicant shall submit in writing to the Securities Department satisfactory proof of passing of such examinations prior to registration as an investment adviser if such information is not available to the Securities Department through the CRD.
- d) e) No fee is due to the Securities Department.
- b) ---Educational-Programs:
- i)----Designation-of-Chartered-Financial-Analyst-TEFA by-The-Institute-of-Chartered-Financial-Analysts+
  - 2)----Designation-of-Chartered-Investment-Counselor TECI-by-The-Institute-of-Chartered-Financial-Analysts+
  - 3)----Certification-as-a-Chartered-Financial-Planner (CFP) by the Institute of Certified Financial Planners.
  - 4)----Designation-of-Certified-Financial-Planners:
- e) et The applicant shall submit in writing to the Securities Department satisfactory proof of the designation or certification referred to in subsection (b) of this

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Section above prior to registration as an investment adviser. No fee is due to the Securities Department.

f.) No person shall be deemed to have sufficient knowledge to act as principal of an investment adviser unless and until he or she is eighteen years of age in this State.

(Source: Amended at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.844 Statement of Financial Condition to Be Filed By a Registered Statement Required-of Investment Adviser Which Retains Custody of Client's Cash or Securities Or Accepts Pre-Payment of Fees in Excess of \$500.00 Per Client and Six (6) or More Months in Advance and Interim Financial Statements Advisors

a.) Each registered investment adviser which retains custody of client's cash or securities or accepts pre-payment of fees in excess of \$500.00 per client and six (6) or more months in advance shall file a statement of financial condition (balance sheet) and interim financial statements, in such detail as will disclose the nature and amount of assets and liabilities and the net worth of the investment adviser, as follows:

- 1) the statement shall be filed annually as of the date of its fiscal year end or of an audit date selected by and reported to the Securities Department;
- 2) the statement shall be filed no later than the first day of the fourth month after the date of its fiscal year end or of the selected audit date;
- 3) the time period covered by the statement shall be the twelve month period immediately following the date of the most recent audited statement; and
- 4) should an investment adviser elect to change its audit date, a written request for variance from the filing period covered by the statement shall be filed in accordance with Section 130.190 of this Part with the Securities Department in Springfield, Illinois. The request shall include each reason for the change. An unaudited statement shall be filed with the Securities Department and be as of the date of the investment

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adviser's selected audit date. If the investment adviser is required to file an audited statement, it shall encompass the entire period of time which has elapsed since the most current filing of an audited statement.

- 5) For purposes of this Section, the term "audit date" shall mean the date selected and reported to the Securities Department by the investment adviser for fulfilling the filing requirement of this Section.
  - b) The statement of financial condition shall consist of a signed independent auditors' report, a balance sheet and notes to the financial statement, if any. The statement of financial condition shall be accompanied by the cover page, if any, designated by the Securities Department.
  - c) The Secretary may, at his or her discretion, require any investment adviser to file an interim statement of financial condition as of a date selected by the Secretary. Such statements shall be audited by an independent certified public accountant if the investment adviser retains custody of any client's cash or securities or accepts pre-payment of fees in excess of \$500.00 per client and six (6) or more months in advance.
  - d) If an unaudited statement of financial condition is filed, the statement shall contain the following oath or affirmation: "I hereby attest that the information contained in this statement of financial condition is true and correct to the best of my knowledge."
- 1) The oath or affirmation filed by an investment adviser shall be deemed acceptable even though it varies from the language set forth above unless the oath or affirmation does not contain a specific reference that the information is true and correct and the Securities Department notifies the investment adviser in writing of its objection.
  - 2) The oath or affirmation shall be made before a person duly authorized to administer oaths or affirmations. If the investment adviser is a sole proprietorship, the oath or affirmation shall be made by the proprietor; if a partnership, by a

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general partner; or if a corporation, by a duly authorized officer.

e) Each statement of financial condition, except the independent auditors report, the balance sheet and notes, if any, shall be deemed confidential when filed with the Securities Department. The independent auditors' report, the balance sheet and notes, if any, shall be a matter of public record and available to the public upon written request.

f) Anything to the contrary notwithstanding, all of the information contained in any statement of financial condition shall be available to any Federal, state or local law enforcement agency, any state or federal financial regulator or any self-regulatory organization registered under any Federal law upon written request to the Securities Department.

a) Every registered investment adviser shall file annually with the Secretary of State within 60 days of the close of its fiscal year a statement of financial condition in such detail as will disclose the net worth of the investment adviser which statement may be unaudited if the investment adviser does not retain a client's securities or cash.

b) If the investment adviser retains a client's securities or cash, the financial statement shall be prepared and certified by an independent public accountant.

(Source: Amended at 14 Ill. Reg. 5188, effective March 26, 1990.)

## Section 130.852 Compensation

a) No registered investment adviser shall charge or receive compensation in connection with the giving of investment advice unless such compensation is fair and reasonable and is determined on an equitable basis adequately disclosed to each client in writing.

b) No registered investment adviser shall charge or receive compensation in connection with the giving of investment advice which provides for compensation to the investment adviser on the basis of a share of the capital gains upon, or the capital appreciation of, the funds, or any portion of the funds, of a client, unless

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such fees are charged in conformance with the provisions set forth in 17 CFR 205-3, as in effect on July 1, 1989 (no subsequent amendments or editions).

(Source: Amended at 14 Ill. Reg. 5188, effective March 26, 1990.)

## SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

## Section 130.1100 Preamble

The Rules regulations contained in this Subpart shall govern every hearing before the Securities Department of the Secretary of State. The purpose of this Subpart is to provide for the orderly determination of rights, duties and privileges of parties appearing before the Secretary of State or his or her representatives under procedures assuring such parties due process of law.

(Source: Amended at 14 Ill. Reg. 5188, effective March 26, 1990.)

## Section 130.1101 Qualifications and Duties of the Hearing Officer Definitions

a) "Hearing" means a proceeding conducted by the Securities Department of the Secretary of State in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary of State only after opportunity for a hearing.

b) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust or any unincorporated organization except that as used in this Section 7 the word "trust" includes only a trust where the interest or the interests of the beneficiary or beneficiaries is a security.

c) "Party" means such person named as petitioner or respondent(s) in such hearing Subpart:

d) "Hearing-officer"

i) "Hearing-officer" means the Securities Commissioner or his or her designee who pursuant to Section 7 of the Act to preside at any hearing conducted by the Securities Department of the Secretary of State.

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- a) The hearing officer shall must meet the following standards and qualifications:
- 1) At be of high integrity and of good personal repute;
  - 2) At be admitted to practice law in the State of Illinois and must be a member in good standing of the Bar of Illinois for at least three years; and
  - 3) At be familiar with the Rulesevidentiary-rules-to-be followed-in-hearings-as contained in this Section 130.1102 of the Part and the Act.

b) At A hearing officer shall may rule on procedure and the admissibility of evidence and shall may make findings of fact, conclusions of law and recommendations and law.

c) The final Final decision in all hearings shall be made as directed by the Secretary -of-State or his or her designated representative after consideration of the findings of fact, conclusions of law, and recommendations of the hearing officer.

e) "Department" means the Securities-Department-of-the Office-of-the-Secretary-of-State.

f) "Officer" unless otherwise-clarified-refers-to-the Officer-of-the-Secretary-of-State, and-not-to-any particular-address-of-location-

g) "Secretary" means the Secretary-of-State-of-Illinois:

(Source: Amended at 14 Ill. Reg. 5188, effective March 26, 1990.)

## Section 130.1102 Notice of Hearing

At---Notice-of-hearing-shall-be-delivered-to-each-respondent to-the-proceedings-either-in-person-or-by-registered Mail-with-return-receipt-requested, not-less-than 10-days prior-to-the-initiation-date-of-such-hearing-or any-proper-extension-thereof.

b) ---The notice-shall-include:

- 1) ---the-names-and-last-known-addresses-of-each respondent;
- 2) ---the-time-and-place-of-hearing;

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3) ---a short-and-concise-statement-of-facts-tag-distinguishing-from-conclusions-of-law-or-a mere recitation-of-the-words-of-the-statute-alleging the-action-or-acts-done-by-each-respondent-at-the date-and-place-each-sueh-act-was-allegedly-done? the-rate-or-statute-if-any-alleged-to-have-been violated-or-otherwise-involved-in-the-proceeding? and-the-decision-or-action-requested-by-the petitioner? and

a) The Notice of Hearing shall include:

- 1) A statement of the time, place and nature of the hearing;
  - 2) A statement of the legal authority, and jurisdiction under which the hearing is held;
  - 3) A short and plain statement of the matters alleged;
  - 4) A statement of financial sanction or relief sought; and
- 5) A concise statement to each respondent that:
- A) the respondent may be represented by legal counsel, & may present evidence, & and may cross-examine witnesses and otherwise participate;
  - B) failure by any respondent to so appear shall constitute default by such respondent unless such any respondent has filed an answer and within thirty days after service of a Notice of Hearing, upon due notice, moved for and obtained a continuance; and
  - C) delivery of notice to the designated representative of any respondent constitutes service upon such respondent.
- b) Unless otherwise required, each respondent shall be given a Notice of Hearing at least forty-five days prior to the first date set for any hearing hereunder. Once such notice is given, the Securities Department shall notify each respondent in writing at the last known address of each respondent of any subsequent hearing date.

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c) Nothing in this Part shall prevent the Securities Department from scheduling a hearing within ten days of the date on which the Secretary temporarily suspends any registration under the Act or issues a stop or temporary order.

d) When a respondent timely requests a hearing on a Temporary Order of Suspension or Prohibition or Stop Order or Order of Denial under Section 11(F)(4) of the Act, issued by the Secretary, the Securities Department shall issue a Notice of Hearing in the form prescribed herein.

e) Any contention that improper notice was given shall be deemed waived unless it is raised by the respondent prior to argument on any other motion, or, if no other motions are presented, prior to the commencement of opening statements at the hearing.

f) Proper notice is given by depositing a Notice of Hearing with the United States Postal Service, either by certified or registered mail, return receipt requested, or by the personal service, to the last known address of the respondent.

et----Any such notice required by this Section may be waived with the consent of the parties:

(Source: Amended at 14 Ill. Reg. 5188 \_\_\_\_\_, effective March 26, 1990.)

## Section 130.1103 Institution of a Contested Case by the Securities Department

A contested case is instituted by the Securities Department when a Notice of Hearing is mailed to a respondent at the respondent's last known address by registered or certified mail, return receipt requested, or personal service is obtained upon a respondent.

(Source: Added at 14 Ill. Reg. 5188 \_\_\_\_\_, effective March 26, 1990.)

## Section 130.1104 Requirement to File an Answer

a) In each contested case instituted by the Securities Department, each respondent shall file with the Securities Department an Answer within thirty days of the service of the Notice of Hearing or within ten days

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of each amended Notice of Hearing which materially alters the Notice of Hearing, such as an addition or deletion of parties or counts, or within ten days of service of a Notice of Hearing issued pursuant to Section 130.1102(d) of this Part. Each answer shall be in writing, signed by each respondent or the respondent's representative, and shall contain a specific response to each allegation in the Notice of Hearing or each new allegation contained in a materially altered Notice of Hearing and set forth affirmative defenses, if any. The response shall either admit or deny each allegation, or shall state that the respondent has insufficient information to admit or deny the allegation.

b) If, within thirty days after service of such Notice of Hearing, the respondent does not answer or otherwise file a responsive Pleading, the respondent shall be held in default.

(Source: Added at 14 Ill. Reg. 5188 \_\_\_\_\_, effective March 26, 1990.)

## Section 130.1105 Amendment or Withdrawal of the Notice of Hearing

a) The Notice of Hearing may be amended at any time. An Amended Notice of Hearing may be served in the same manner as a Notice of Hearing, or it may be presented to the hearing officer and each respondent during the course of the hearing. A continuance may be granted by the hearing officer whenever the amendment materially alters the Notice of Hearing, and where a respondent demonstrates that any respondent would otherwise be unable to properly prepare an answer to the Amended Notice of Hearing or prepare any respondent's case.

b) A Notice of Hearing may be withdrawn without prejudice by the Securities Department at any time prior to the hearing. After a hearing has begun, a Notice of Hearing may be withdrawn only upon written motion, and concurrence by the hearing officer.

(Source: Added at 14 Ill. Reg. 5188 \_\_\_\_\_, effective March 26, 1990.)

## Section 130.1106 Representation

a) Any individual may appear personally on his or her own behalf.

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- b) A party or witness may be represented by an attorney licensed in Illinois or any law student licensed under Supreme Court Rule 711 (Ill. Rev. Stat. 1987, ch. 110A, par. 711). Attorneys admitted to practice in states other than the State of Illinois may appear and be heard by special leave of the Hearing Officer appointed to conduct the hearing, upon the attorney's verbal representations or written documentation as to the attorney's admittance. Attorneys who appear in a representative capacity must file a written notice of appearance setting forth:

- 1) The name, business address and telephone number of the attorney; and
- 2) The name and address of the party or witness represented.

- c) A corporation may be represented by an officer.

- d) A partnership may be represented by any general partner.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.1107 Special Appearance

Prior to filing any other pleading or motion, a special appearance may be made either in person or by an attorney for the limited purpose of objecting to the jurisdiction of the Securities Department. Every appearance not expressly designated a special appearance shall be deemed to be a general appearance. If the reasons for objecting to jurisdiction are not apparent from the papers on file in the proceeding, the special appearance shall be supported by affidavit setting forth the reasons. In ruling upon any objection at any hearing, the hearing officer may consider all matters apparent from the papers on file, affidavits submitted by any party, and any other evidence adduced upon disputed issues of fact. No determination of any issue of fact in connection with the objection is a determination of the merits of the case or any aspect thereof. A ruling adverse to the objector does not preclude him or her from making any motion or defense which he or she might otherwise have made. If the hearing officer sustains the objection, any appropriate order shall be entered of record after review by a designated representative of the Secretary. Error in ruling against the objection is not waived by the objector's taking part in further proceedings in the matter.

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(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.1108 Substitution of Parties

A hearing officer may, upon motion by a party, order a substitution of parties, in cases such as a successor entity, death, incompetency, bankruptcy assignment, marriage and legal disability.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.1109 Failure to Appear

Failure to appear at the time and place set for hearing shall be deemed a waiver of the right to present evidence, argue, object or cross-examine witnesses, or otherwise participate at the hearing. After presentation by the Securities Department of proof that the respondent was given proper notice and jurisdiction of the Secretary has been established, the hearing officer shall make a recommendation to the Secretary that a finding of default be entered. Where the Securities Department fails to appear, the Notice of Hearing shall be dismissed.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.1110 Motions

a) Motions shall be made in writing, unless otherwise allowed by the hearing officer during the course of a hearing. Written motions shall be limited to the following:

- 1) To request dismissal of a Notice of Hearing for failure to state facts which, if true, would form a sufficient basis for the issuance of an Order or other sanctions;
- 2) To request sanctions in accordance with Section 130.1106 of this Part;
- 3) To request sanctions in accordance with Section 130.1115 of this Part;

- 4) To request dismissal of a Notice of Hearing where the Securities Department's case has been concluded without sufficient evidence having been

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presented to form a basis for the issuance of an Order or other sanction;

5) To request a continuance, or extension of time, upon good cause shown in accordance with Section 130.111(a) of this Part;

6) To request an order granting a hearing to present newly discovered evidence in accordance with Section 130.1129 of this Part;

7) To request that a hearing officer deem a failure to file an Answer to be an admission of the truth of the allegations contained in the Notice of Hearing;

8) To request that a hearing officer be disqualified from the hearing, for prejudice;

9) To request that an Order be vacated or modified;

10) To request separation of cases joined by the Securities Department;

11) To request that any party be held in default;

12) To request consolidation of cases or parties; and

13) To request an Order limiting a response to a demand for bill of particulars or a request for discovery, or an Order restricting the number, scope or subject matter of depositions;

b) When any motion is filed, the hearing officer may allow oral argument if this is deemed necessary to a fuller understanding of the issues presented. Where facts are alleged as a basis for the request which are not a part of the record in the case, an affidavit shall be attached to the motion setting forth such facts.

(Source: Section 130.1110 renumbered to Section 130.1111, new Section 130.1110 added at 14 Ill. Reg. 5188, effective March 26, 1990.)

## Section 130.111 Requirements Relating to Continuances

- a) A request for continuance of a hearing shall be subject to the discretion of the hearing officer.

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- 1) Such continuance may be granted, for good cause shown, provided the request is received by the hearing officer and each party or authorized representative of record not less than five days prior to the latest hearing date unless good cause for a continuance is shown prior to or during the hearing or between hearing dates due to the absence of material evidence, sudden unavailability of counsel, sudden illness of a party or an essential witness, or similar reasons. Such request shall be in writing, supported by an affidavit and shall set forth the grounds alleged therefor.
- 2) Oral requests for continuances shall not be granted unless made during the hearing for good cause.
- 3) Good cause includes, but is not limited to, service in the armed forces, or serious illness relating to either Party, that Party's authorized representative of record, or essential witnesses, or sudden unavailability of counsel.
- b) A continuance, when granted, shall state a date certain, not more than sixty days from the prior scheduled hearing date at which time the hearing shall reconvene.
- c) Continuances may be granted for the purposes of allowing the parties to complete discovery requests made pursuant to Section 130.1115 of this Part, but only where upon good cause shown, in accordance with Section 130.111(a) of this Part, discovery could not be completed prior to the scheduled date for hearing. Certain costs are incurred by the Department when a scheduled hearing is continued to another time, date or place. Therefore, the requirements for a continuance are as follows:
- c1) All requests for a continuance shall be in writing and must be received in the Department 3 days prior to the assigned hearing date;
- c2) A party requesting a continuance shall serve a copy of the request to all parties in the same manner as provided in Section 130.1102(a).

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e) ---The-request-for-a-continuance-creates-no-presumption that-a-continuance-will-be-granted-by-the-Department; d) ---The-requirements-of-this-Section-may-be-waived-at-the discretion-of-the-Department.

(Source: Section 130.1111 renumbered from Section 130.1110 and amended at 14 Ill. Reg. 5188, effective March 26, 1990)

Section 130.1112. Rules of Evidence Evidentiary-Rates-to-be Followed-in-Hearing

- a) The hearing officer shall have authority to conduct the hearing, to administer oaths, to examine witnesses, and to rule upon the admissibility of evidence, and to subpoena witnesses or documents at the request of any party.
- b) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed. However, evidence not admissible under such rules of evidence may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs in accordance with Section 12 of the Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1012). Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Subject to the evidentiary requirements of this Section, a Party may conduct cross-examination required for a full and fair disclosure of the facts. Any relevant evidence may be admitted if it is the sort of evidence related upon by reasonably prudent men in the conduct of their affairs regardless of the existence of any common law or statutory rule which excludes the admission of such evidence over objections in civil actions ---the rules of privilege shall be followed to the same extent that they are recognized in civil or criminal actions ---irrelevant immaterial and unduly repetitious evidence may be excluded. Objections to evidentiary offers must be timely made and noted in the record ---When a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in

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written-form---Subject-to-the-evidentiary-requirements of-the-subsection-a-party-may-conduct-the-cross-examination-required-for-a-fair-and-fair-disclosure-of-the-facts.

- c) Notice may be taken of matters of which the Circuit Courts of this State may take judicial notice. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. ---The agency's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence. Notice may be taken of matters of which the Courts of Illinois may take judicial notice ---in addition notice may be taken of the Department's specialized knowledge in securities ---Parties shall be notified either before or during the hearing of by-reference-in-preliminary reports or otherwise of the matter at issue and they shall be afforded an opportunity to contest the material so noticed ---The Department's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.
- d) Upon timely written demand made by a party shall furnish to other parties a list of the names and addresses of prospective witnesses and a list of participants written answers to a written bill of partisans.
- e) ---Subject to constitutional privileges and to grants of confidentiality under the Act upon timely motion any party shall have the right to inspect any documents in the possession of or under the control of any other party and to interview parties or persons having knowledge of facts ---Inspection of documents and interview of persons shall be at times and places reasonable to the person and for the custodian of the documents.
- f) ---Oral evidence shall be taken only on oath or affirmation.
- g) ---Each party shall have the right to request the subpoena of and to call and to examine the witness to subpoena

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introduce exhibits-and-to-cross-examine-witnesses-on any-matter-relevant-to-the-issues-even-though-that matter-was-not-covered-in-the-direct-examination. Ampleation-for-subpoenas-duces-testim-shall-specify-the books-papers-and-accounts-desired-to-be-produced.

h)---Subject-to-constitutional-privileges-and-to-grants-of confidentiality-under-the-Aet-a-party-may-serve-on-any other-party-a-written-request-for-the-admission-by-the latter-of-the-truth-of-any-specified-relevant-fact-set forth-in-the-request-or-for-the-admission-of genuineness-of-any-relevant-documents-described-in-the request---Copies-of-the-documents-shall-be-served-with the-request-unless-coptes-have-already-been-furnished.

i)---Upon-the-opening-of-the-hearing-the-Hearing-Officer shall-allow-opening-statements-to-be-made---Opening statements-may-not-be-made-at-any-other-time-except-in the-discretion-of-the-hearing-officer---Upon-the-close of-the-hearing-each-party-may-make-a-closing-statement orally-and/or-by-written-brief-at-the-discretion-of-the law;

j)---In-the-hearing-of-any-matter-any-party-or-his-agent may-be-called-and-called-as-if-under cross-examination-at-the-instance-of-any-adverse party---The-Party-calling-for-the-examination-is-not bound-thereby---but-may-rebut-the-testimony-thus-given by-counter-testimony-and-may-impeach-it---If the-hearing-officer-determines-that-the-witness-is hostile-or-awfuling-the-witness-may-be-examined-by the-party-calling-him-as-if-under-cross-examination; the-party-calling-a-witness-may-upon-showing-that-he called-the-witness-in-good-faith-but-is-surprised-by his-testimony---impeach-the-witness.

k)---Each-party-shall-have-the-right-to-rebut-the-evidence against-him-to-appear-in-person-to-be-represented-by counsel---If-a-party-does-not-testify-in-his-own behalf---he-may-be-called-as-an-adverse-witness-by-the Department-and-examined-as-if-under-cross-examination and-be-impeached.

l)---Upon-order-of-the-hearing-officer-for-good-cause shown-and-open-reasonable-notice-to-other-parties-any party-including-the-Department-may-take-a-discovery or-evidence-deposition-of-any-witness-or-party---The deposition-shall-be-taken-in-the-manner-provided-by-law

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for-such-deposition-in-civil-actions-in-the-Circuit Courts-of-Fineline;

m)---At-the-request-of-any-party-the-Hearing-Officer-may call-a-pre-hearing-conference---At-the-conference-the parties-or-their-representatives shall-appear-as-the hearing-officer-directs-to-consider:

i)---the-simplification-of-the-issue(s);

2)---amendments-to-the-grounds-for-action;

3)---the-possibility-of-obtaining-admissions-and stipulations-of-fact-and-of-documents-which-will avoid-unnecessary-proof;

4)---the-limitation-of-the-number-of-expert-witnesses;

5)---any-other-matters-which-may-aid-in-the-disposition of-the-hearing;

n)---Upon-the-conclusion-of-a-pre-hearing-conference-the hearing-officer-shall-enter-on-order-which-testifies-any action-taken-any-agreements-made-by-the-parties-as-to any-of-the-matters-considered-and-the-issues-to-be heard.

(Source: Section 130.1112 renumbered from Section 130.1111 and amended at 14 Ill. Reg. 5188, effective March 26, 1990.)

## Section 130.1113 Form of Papers

All papers filed or submitted to the Securities Department in a contested case shall be typewritten, on 8 1/2 by 11 inch white paper. The first page of each document shall set forth the name of each of the respondents and the file number assigned to the case by the Securities Department. All pleadings must be signed by the party filing the same or his, her or its authorized representative or attorney, and shall contain the party's business address and telephone number. A copy of any pleading shall be filed with the hearing officer, and the original served upon the attorney of record of the Securities Department.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990.)

## Section 130.1114 Bill of Particulars

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- a) Upon written demand made not more than fifteen days after service of the Notice of Hearing and prior to the demanding party filing an answer to the Notice of Hearing, a party shall furnish to other parties a written bill of Particulars.
- b) A response to a demand for bill of particulars shall be provided to each other party within ten days of service of the written request.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.1115 Discovery

- a) Discovery shall not be the subject of motions presented to the hearing officer, except as provided in Section 130.1110 of this Part.
- b) Upon written request served on the opposing party, any party shall be entitled to:
- 1) The name, business and home addresses and telephone number, if available, of each witness who may be called to testify.
  - 2) Copies of each document which may be offered as evidence; and
  - 3) A description of any other evidence which may be offered.
- c) The above information shall be provided within ten days of service of a written request.
- d) Upon request of a party, during discovery a party shall be entitled to:
- 1) Any exculpatory evidence in the Securities Department's possession. Exculpatory evidence is any evidence which tends to support the respondent's position or to call into question the credibility of a Securities Department witness; and
  - 2) Copies of any investigative report which purports to be a memorandum of interview of the respondent.
- e) Upon a written request served on the respondent at any time after a Notice of Hearing is filed, or at any

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- a) stage of the hearing, the respondent will be required to produce within ten days of service of a written request non privileged documents, books, records or other evidence which relate to the issues set forth in the Notice of Hearing.

- f) No file of a Securities Department investigator or attorney shall be subject to discovery except as stated in subsection (d) of this Section relating to exculpatory evidence and memoranda of interviews of a respondent.

- g) In accordance with Section 130.1118 of this Part, in large or complex cases, at the discretion of the hearing officer, a pre-hearing conference with the parties and the hearing officer may be scheduled in appropriate cases for one or more of the purposes set forth in Section 130.1118 of this Part. Consistent with the expedited nature of administrative hearings, the hearing officer shall, at the pre-hearing conference establish the extent of and schedule for the production of relevant documents and other information, including the deposition of witnesses.
- h) Subject to constitutional privileges and to grants of confidentiality under the Act and The Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, par. 201 et seq.), a party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished. The failure of a party to respond to a request within ten days of a service shall be deemed to be an admission thereof.

- i) These provisions shall be construed to impose a continuing obligation upon the parties to exchange new information as it becomes available.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.1116 Examination of Witnesses

- a) A party may conduct examinations or cross-examinations without rigid adherence to formal rules of evidence, in order to obtain a full and fair disclosure of facts.

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bearing upon matters in issue in accordance with Section 12 of the Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1012).

- b) If the hearing officer determines that a witness is hostile or unresponsive, the hearing officer may authorize the examination by the party calling him or her as if under cross-examination in accordance with Impeachment of Witness -- Hostile Witnesses (Ill. Rev. Stat. 1987, ch. 110A, par. 238(b)).

c) The Securities Department may call any adverse party as a witness without vouching for his or her credibility and proceed to examine such adverse party as if under cross-examination. Any party calling a witness, upon showing that he or she called the witness in good faith and is surprised by his or her testimony, may impeach that witness by evidence of prior inconsistent statements in accordance with Impeachment of Witness -- Hostile Witnesses (Ill. Rev. Stat. 1987, ch. 110A, par. 238(b)).

- d) Oral evidence shall be taken only on oath or affirmation.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990)

## Section 130.1117 Subpoenas

- a) Subpoenas for the attendance of witnesses from any place in the State of Illinois, or for the production of books, papers, accounts or documents at a hearing in a pending proceeding, shall be issued by the Securities Department upon its own motion, and shall be issued upon application in writing by any party.
- b) Applications for subpoenas to compel the production of books, papers, accounts or documents desired shall be verified, and shall specify the books, papers, accounts or documents desired and the material or relevant facts to be proved by them.
- c) The costs for the preparation and service of each subpoena and the payment of witness fees shall be borne by the requesting party.
- d) The cost to prepare each subpoena shall be \$10.00 and shall be payable to the Secretary prior to the issuance

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of the subpoena. The cost to serve each subpoena shall be the same as provided to Sheriffs in Section 4-12001 of the Counties Code, certified December 13, 1989 (Ill. Rev. Stat., ch. 34, Par. 4-12001 (P.A. 86-962)) and Section 4-5001 of the Counties Code, certified December 13, 1989 (Ill. Rev. Stat., ch. 34, Par. 4-5001 (P.A. 86-962)). Notwithstanding, if the Securities Department elects to mail a subpoena the cost shall be \$5.00 plus the actual cost of certified or registered mail, return receipt requested, payable to the Secretary prior to the issuance of the subpoena.

Witness fees shall be the same as provided for in Section 47 of an Act concerning fees and salaries, and to classify the several counties of this State with reference thereto. Approved March 29, 1987 (Ill. Rev. Stat. 1987, ch. 53, Par. 65) relating to witnesses attending trial in the Circuit Courts of Illinois.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990)

## Section 130.1118 Pre-Hearing Conferences

Upon written request to the hearing officer by the Securities Department or any respondent, the parties may be directed by the hearing officer to appear at a specified date, time and place for a pre-hearing conference, prior to the date set for hearing in the particular proceeding or, without notice on the date and at the place set for such hearing and prior to the commencement thereof or during the course of such hearing, for the purpose of formulating issues and considering:

- a) The simplification of issues;
- b) The necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation with respect to matters alleged in any Notice of Hearing;
- c) The possibility of making admissions or stipulations of fact to the end of avoiding the unnecessary introduction of evidence;
- d) The limitation of the number of witnesses; and
- e) The propriety of prior mutual exchange between or among parties of prepared testimony or exhibits.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990)

## NOTICE OF ADOPTED AMENDMENT (S)

March 26, 1990

Section 130.1119 Record of a Pre-Hearing Conference

Action taken at each pre-hearing conference pursuant to Section 130.1119 of this Part shall be made part of the record at the hearing by the hearing officer, unless the parties file a written stipulation as to such matters or agree to a statement thereof made on the record.

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.1120 Hearings

The sequence to be followed for each contested case is as follows:

- a) Pre-Hearing Conference - Optional. The purposes of which are set out in Section 130.1118 of this Part; and
- b) Hearings

1) Preliminary matters - Motions, attempts to narrow issues or limit evidence;

2) Opening Statements - The party initiating the hearing proceeds first;

3) Case in Chief - Evidence and witnesses are presented by the party initiating the hearing. As a witness' testimony is completed, he or she is subject to cross-examination.

4) Defense (including affirmative defense) - Evidence and witnesses may be presented by the opposing parties;

5) Rebuttal;

6) Closing Statements - The party bearing the burden of proof proceeds first, then the opposing party, then a final reply by the party bearing the burden of proof; and

7) Hearing Officer's Report consisting of: a statement of matters officially noticed, proposed findings of fact, proposed conclusions of law, and proposed recommendation as to disposition by the Hearing Officer.

## NOTICE OF ADOPTED AMENDMENT (S)

(Source: Added at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.1121 Record of Proceedings

- Section 130.1121 Record of Proceedings
- a) At each hearing, except as otherwise provided herein, a permanent and complete record of the proceedings shall be taken at the Securities Department's expense by electronic means or by a "shorthand -court reporter" as such term is defined in the Illinois Certified Shorthand Reporters Act of 1981 (Ill. Rev. Stat. 1987 §983, ch. 111, par. 6204).
  - b) the Securities Department upon request of a party shall arrange for the shorthand reporter to provide for such copies of the transcript as any other party may require and at such time as it may require same. Provided that such other party shall pay directly to the shorthand reporter the payment for the cost of the transcript including one copy thereof to be furnished the Securities Department for its use in any proceeding for Administrative Review as hereinafter provided, or otherwise.
  - c) The requirement set forth in subsection (a) of this Section is not applicable in any case where all respondents have either defaulted, or submitted documents only, and the Securities Department presents no evidence through witness testimony.
- b+---Upon request-and-at-his-own-expense-any-party-may-have-a-copy-of-the-record.
- (Source: Amended at 14 Ill. Reg. 5188, effective March 26, 1990.)

Section 130.1122 Record of Hearinga)

The record of-a-hearing in a contested case shall include:

- 1) All pleadings (which shall include including all pre-existing and post-trial orders or notices of hearing and responses thereto, admissions, stipulations of fact, motions and rulings thereon and in the case of an agreed settlement, stipulation and consent and a consent order);
- 2) All documentary evidence, if any;

## NOTICE OF ADOPTED AMENDMENT (S)

3) b† A statement of matters officially noticed, if any;4) A transcript of the proceedings, if required;5) e† Any opinion, report or recommendation of the hearing officer or officers to the Secretary of State or his representative;6) a† The findings of fact conclusions of law and recommendations of the hearing officer final order entered by the Secretary of State;7) Any offers of proof, objections and rulings thereon, objections or exceptions to the findings of fact, conclusions of law and recommendations of the hearing officer or, objections to portions of the proposed findings of fact, proposed conclusions of law and proposed recommendations of the hearing officer; andb) The findings of fact, conclusions of law and Order of the Secretary, shall constitute a final administrative decision within the provisions of the Administrative Review Law (Ill. Rev. Stat. 1987, ch. 110, pars. 3-101 et seq.).c) The record shall be certified by the Securities Department upon any complaint for administrative review. An index of the record, with each page of the record numbered in sequence, shall be prepared by the Securities Department.e) --All-staff-memorando-or-data-submitted-to-the-hearing officer-in-connection-with-his-consideration-of-the case.(Source: Amended at 14 Ill. Reg. 5188, effective March 26, 1990)

## Section 130.1123 Orders Final-Order

a) The hearing officer shall prepare findings of fact, conclusions of law, and recommendations to the Secretary. The findings of fact and conclusions of law shall be stated separately.b) Any Order of the Secretary issued without a hearing pursuant to a temporary order as provided under Section 11(E) of the Act shall advise the respondent that any

## NOTICE OF ADOPTED AMENDMENT (S)

action for judicial review of the final order must be commenced within 35 days from the date a copy of the Order is served upon the party seeking review, pursuant to the provisions of the Administrative Review Law.c) The Order of the Secretary shall be the decision of the Securities Department upon issues contested or stipulated to at the hearing, or presented at a hearing in which the respondent defaults, or alleged in an Order which may be made final without a hearing pursuant to Section 11(F)(4) of the Act, or alleged in a temporary order which may be made final without a hearing pursuant to Section 11(E) or 11(F) of the Act; or upon issues which are resolved without a hearing pursuant to Section 101(c) of The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1001 et seq.).d) The Secretary after reviewing the hearing record may:

- 1) accept or reject in whole or in part the proposed findings of fact, proposed conclusions of law or the proposed recommendations of the hearing officer;
- 2) require the submission of additional information, documentation or testimony; or
- 3) order the hearing officer to conduct a rehearing or an additional hearing upon becoming aware of newly discovered evidence.

e) Default orders shall be entered against the respondent, where the respondent fails to appear for the hearing at the scheduled time and date, and has failed to request or been granted a continuance in accordance with Section 130.1111 of this Part.f) At a final order of the Secretary of State in-a-hearing shall be in writing. A copy of the final order shall be delivered or mailed by registered or certified mail, return receipt requested, to each party or his/her or its representative or attorney at such person's last known address.g) The final order of the Secretary of State shall constitute a final administrative decision within the provisions of the Administrative Review Law ~~7~~  
Fif-R-Rev-Stat-1987-eh-tt07-par-3-tt01-ct-seq†.

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## NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 14 Ill. Reg. 5188, effective  
March 26, 1990)

Section 130.1124 Burden of Proof

Except as provided in Section 15 of the Act, the burden of proof is upon the Securities Department in all cases initiated by the Securities Department. The standard of proof is a preponderance of the evidence. The standard of proof is a preponderance of the evidence (evidence of a greater weight or more convincing than that offered in opposition to it).

(Source: Added at 14 Ill. Reg. 5188, effective  
March 26, 1990)

Section 130.1125 Stipulations

Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding, provided that the hearing officer may require proof of any fact by evidence, such as where parties are not represented by counsel. After all parties have completed the presentation of their evidence, the hearing officer may call the Securities Department for further material or relevant evidence upon any issue. The Securities Department's experience, technical competence and specialized knowledge may be utilized by the Hearing Officer in the evaluation of the evidence.

(Source: Added at 14 Ill. Reg. 5188, effective  
March 26, 1990)

Section 130.1126 Open Hearings

Hearings shall be open to the public and may only be recorded by any person by audio tape.

(Source: Added at 14 Ill. Reg. 5188, effective  
March 26, 1990)

Section 130.1127 Corrections to the Transcript

Suggested corrections to the transcript of record may be offered within ten days after the transcript is made available to the parties in the proceeding, unless the hearing officer permits suggested corrections to be offered thereafter. Suggested corrections shall be served upon, or brought to the attention of, each party or attorney therefor whose appearance is of record, the official shorthand reporter, and the hearing officer. If suggested corrections are not objected to, the hearing officer

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## NOTICE OF ADOPTED AMENDMENT(S)

shall direct the corrections to be made and the manner of making them. In case the parties disagree on suggested corrections, they may be heard by the hearing officer, who shall then determine the manner in which the record shall be changed, if at all.

(Source: Added at 14 Ill. Reg. 5188, effective  
March 26, 1990)

Section 130.1128 Imposition of Fines

a) The fines allowed by Section 11(E)(4) of the Act may be imposed in cases where the imposition of a suspension or revocation of the registration of any securities registered under Sections 5, 6 or 7 of the Act or of a respondent's registration under Section 8 of the Act would create an undue burden on the respondent in light of the nature of the violation or violations, where the respondent has been enriched unjustly, when the violation or violations of the respondent are egregious or repetitive or involve many people.

b) The imposition of fines is not limited to the above described situations.

(Source: Added at 14 Ill. Reg. 5188, effective  
March 26, 1990)

Section 130.1129 Application for Hearing to Present Newly Discovered Evidence

a) Any party who receives a final order of the Secretary may within ten days file a motion in writing with the Secretary or his or her designee requesting that a hearing be granted to present newly discovered evidence. The motion shall be supported by affidavit specifying the reason such evidence was unavailable at the time of hearing.

b) Any motion by a party for a hearing to present newly discovered evidence shall only stay the effective date of the Order entered by the Secretary for the purpose of filing for an administrative review under the Administrative Review Law.

(Source: Added at 14 Ill. Reg. 5188, effective  
March 26, 1990)

SUBPART O: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT (S)

Section 130.1520 Request for Non-Binding Statements

a) Required information and format.

- 1) All requests for non-binding statements shall be in writing and be accompanied by the fee set forth in Section 130.110 of this Part. The request shall be filed with the Securities Department and shall contain the following:
  - A) A brief summary of the Sections of the Act and of the Rules to which the request pertains;
  - B) A detailed factual representation concerning every relevant aspect of the proposed transaction, such as names of affected parties, type and description of securities, details regarding the transaction, each claim of exemption, if any, and reasoning in support of each such claim. Requests should be limited to the particular situation, and should not attempt to include every possible type of situation which may arise in the future;
  - C) A discussion of current statutes, rules and legal principles relevant to the facts set forth;
  - D) A statement setting forth the person's own opinion in the matter and the basis for such opinion; and
  - E) A representation that the transaction in question has not been commenced and will not commence for at least 30 days.
- 2) The Securities Department will not respond to requests for non-binding statements involving the anti-fraud provisions of the Act or the Rules thereunder.
- 3) The Securities Department will not respond to requests for non-binding statements with respect to transactions which have already taken place.

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- 4) The Securities Department will not respond to requests based upon hypothetical facts or involving unnamed parties.

b) Review procedure under the Act.

- 1) The Securities Department's review of requests for non-binding statements may require an in-depth examination of the information presented and the applicable law. Therefore a considerable time period may elapse before the statement is issued.
  - 2) After a review of the relevant facts presented, in light of existing judicial, legislative and administrative history, the Securities Department may issue its finding as to the applicability of the Act to the situation presented in the form of a non-binding statement stating that it will recommend that no enforcement action be initiated against the parties involved if all the facts are true and complete. Facts or conditions different than those presented may require different conclusions and persons other than those requesting the statement should not rely on the statement.
- c) Availability of non-binding statements issued by the Department.
  - 1) The Securities Department will maintain an index by statutory Section(s) involved and chronologically of all non-binding statements issued.
  - 2) Copies of such statements may be reviewed in the Securities Department's Springfield Office and copies thereof obtained upon payment of the cost of duplication as set forth in Section 130.110 of this Part.

(Source: Added at 14 Ill. Reg. 5188  
March 26, 1990)

Part Heading: Case Management Services to Persons with AIDS

Code Citation: 89 Ill. Adm. Code 716

A description of the rule(s): The Home Services Program will be administering a new waiver for providing expanded services to persons with AIDS.

Statutory Authority: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, par. 3434(g))

Schedule of dates for hearings, meetings, or other opportunities for public participation:

Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Rules for publication in the Illinois Register:  
September, 1990

Information concerning this regulatory agenda shall be directed to:

Ms. Leigh Reed  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896  
T.D.D.: (217) 782-5734

Will this rule affect small business? No.

Other pertinent information concerning this rule:

Part Heading: Client Financial Participation

Code Citation: 89 Ill. Adm. Code 562

A description of the rule(s): New language on financial need for resident alien students who are in the country on a student visa.

Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(a), (b), and (k)).

Schedule of dates for hearings, meetings, or other opportunities for public participation:

Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Amendments for publication in the Illinois Register:  
September, 1990

Information concerning this regulatory agenda shall be directed to:

Ms. Leigh Reed  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896  
T.D.D.: (217) 782-5734

Will this amendment affect small business? No.

Other pertinent information concerning this amendment:

## DEPARTMENT OF REHABILITATION SERVICES

## REGULATORY AGENDA

Part Heading: Medical, Psychological, and Related ServicesCode Citation: 89 Ill. Adm. Code 587

A description of the rule(s): 1) Language to recognize both licensed audiologists and licensed hearing aid dispensers as appropriate vendors for purchase of hearing and hearing aid evaluation services.  
 2) Standards used to approve low vision clinics by the Department.

Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(a), (b), and (k)).

Schedule of dates for hearings, meetings, or other opportunities for public participation:

Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Amendments for publication in the Illinois Register:

July, 1990

Information concerning this regulatory agenda shall be directed to:

Ms. Leigh Reed  
 Regulations and Procedures Division  
 Department of Rehabilitation Services  
 P.O. Box 19429  
 Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896  
 T.D.D.: (217) 782-5734

Will this amendment affect small business? Yes

Other pertinent information concerning this amendment:

Part Heading: Non-Financial Eligibility CriteriaCode Citation: 89 Ill. Adm. Code 685

A description of the rule(s): The Home Services Program is reviewing the determination of Need form for recommendations to make it appropriate for children and those with cognitive disabilities. This anticipated change in the HSP program may result in regulatory amendments.

Statutory Authority: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, par. 3434(g)).

Schedule of dates for hearings, meetings, or other opportunities for public participation:

Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Amendments for publication in the Illinois Register:

December, 1990

Information concerning this regulatory agenda shall be directed to:

Ms. Leigh Reed  
 Regulations and Procedures Division  
 Department of Rehabilitation Services  
 P.O. Box 19429  
 Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896  
 T.D.D.: (217) 782-5734

Will this amendment affect small business? No.

Other pertinent information concerning this amendment:

Part Heading: Total Life Planning Program

Code Citation: 89 Ill. Adm. Code 895

A description of the rule(s): The addition of information on new forms used in the Total Life Planning Program.

Statutory Authority: Implementing and authorized by Section 3(b) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(b)).

Schedule of dates for hearings, meetings, or other opportunities for public participation:

Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Amendments for publication in the Illinois Register:  
July, 1990

Information concerning this regulatory agenda shall be directed to:

Ms. Leigh Reed  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429  
  
Telephone number: (217) 785-3896  
T.D.D.: (217) 782-5734

Will this amendment affect small business? No.

Other pertinent information concerning this amendment:

Part Heading: Vending Stand Program for the Blind

Code Citation: 89 Ill. Adm. Code 650

A description of the rule(s): Revision of the rules governing the vending stand program for the blind.

Statutory Authority: Implementing and authorized by "AN ACT in relation to the operation of vending facilities on public and private property by blind persons, and to repeal certain acts herein named," (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3331 et seq.).

Schedule of dates for hearings, meetings, or other opportunities for public participation:

Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Amendments for publication in the Illinois Register:  
April, 1990

Information concerning this regulatory agenda shall be directed to:

Ms. Leigh Reed  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429  
  
Telephone number: (217) 785-3896  
T.D.D.: (217) 782-5734

Will this amendment affect small business? No.

Other pertinent information concerning this amendment:

**ILLINOIS REGISTER**  
**ILLINOIS GENERAL ASSEMBLY**

**SECOND NOTICES RECEIVED**

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 19, 1990, through March 23, 1990, and have been scheduled for review by the Committee at its May, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its May meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>Scheduled for Consideration by JCAR</u>
5/4/90	Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310)	1/12/90 14 Ill. Reg. 427	May, 1990
5/5/90	Illinois Consortium for Educational Opportunity, Illinois Consortium for Educational Opportunity Program (23 Ill. Adm. Code 2400)	2/2/90 14 Ill. Reg. 1703	May, 1990
5/7/90	Department of Public Aid, Related Program Provisions (89 Ill. Adm. Code 117)	11/13/89 13 Ill. Reg. 17241	May, 1990
5/7/90	Secretary of State, Commercial Driver Training Schools (92 Ill. Adm. Code 1060)	2/2/90 14 Ill. Reg. 1859	May, 1990
5/7/90	Secretary of State, Issuance of Licenses (92 Ill. Adm. Code 1030)	1/12/90 14 Ill. Reg. 579	May, 1990
5/7/90	Secretary of State, Issuance of Licenses (92 Ill. Adm. Code 1030)	1/5/90 14 Ill. Reg. 179	May, 1990
5/7/90	Illinois Commerce Commission, Uniform System of Accounts for Telecommunications Carriers (83 Ill. Adm. Code 710)	1/26/90 14 Ill. Reg. 1552	May, 1990

**SECOND NOTICES RECEIVED**  
 (page 2)

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>Scheduled for Consideration by JCAR</u>
5/7/90	Illinois Commerce Commission, Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 Ill. Adm. Code 590)	12/15/89 13 Ill. Reg. 19344	May, 1990

## PROCLAMATION

90-108

## LAKE COUNTY COMMUNITY ACTION PROJECT DAY

Whereas, twenty-five years ago this nation declared war on poverty by enacting the Economic Opportunity Act, and that legislation inspired the creation of the Lake County Community Action Project; and

Whereas, the Lake County Community Action Project continues to make invaluable contributions to its community through the development of innovative and cost-effective programs that have helped thousands of poor people find their way out of poverty; and

Whereas, the Lake County Community Action Project service network demonstrates a high degree of efficiency, professionalism, human caring, and true concern; and Whereas, the Lake County Community Action Project is celebrating its 25th Anniversary at its annual dinner meeting March 23, 1990, under the theme, "Delivering More Than Promises"; Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 23, 1990, as LAKE COUNTY COMMUNITY ACTION PROJECT DAY in Illinois.

Issued by the Governor March 13, 1990.

Filed with the Secretary of State March 26, 1990.

## 90-109

## AGRICULTURE WEEK

Whereas, the State of Illinois remains a leader in production agriculture with a strong supporting structure of ag-related businesses; and

Whereas, Illinois is a leader in the marketing of agricultural products, both domestically and internationally; and Whereas, industry leaders and farmers are vigorously working with Soviet and Eastern Bloc countries in efforts which have world-wide implications; and

Whereas, the productivity of American agriculture is a vital ingredient in our strength as a nation, both at home and abroad; and

Whereas, it is necessary that all Americans understand how agriculture affects their lives and well-being; and

Whereas, current issues relating to food safety and protection of the environment have further emphasized the importance of cooperative relations between consumers and production agriculture; and

Whereas, it is important for all Americans to be aware of their personal stake in an abundant food and fiber supply;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 19-25, 1990, as AGRICULTURE WEEK in Illinois. I urge all citizens to observe this week with

appropriate ceremonies and activities, including a special emphasis on March 20, the first day of spring, which has been proclaimed, "National Agriculture Day."

Issued by the Governor March 19, 1990.

Filed with the Secretary of State March 26, 1990.

## 90-110

## ENERGY EDUCATION DAY

Whereas, the energy needs of the future will require greater attention to alternative energy sources such as synthetic fuels and solar power to ensure the continued prosperity of our nation and the continued development of other nations; and

Whereas, people throughout Illinois, America, and the world are striving to reduce energy waste in their homes, transportation systems, and workplaces; and Whereas, fundamental changes in energy economics require the updating of our educational system at all grade levels to prepare our youth to face our nation's energy future long before it becomes their responsibility; and

Whereas, the celebration of Energy Education Day will bring together students, teachers, school officials, and community members to focus attention on the need for a greater understanding of the global, national, statewide, and community aspects of today's energy economics;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 23, 1990, as ENERGY EDUCATION DAY in Illinois.

Issued by the Governor March 19, 1990.

Filed with the Secretary of State March 26, 1990.

## 90-111

## ILLINOIS-EASTERN IOWA DISTRICT KEY CLUB

## 40TH ANNIVERSARY WEEK

Whereas, the Illinois-Eastern Iowa District of Key Club International, a high school service organization sponsored by Kiwanis International, is celebrating its 40th anniversary; and Whereas, for 40 years, local members of the international organization have dedicated themselves to serving their homes, schools, and communities, seeking to give primacy to the human and spiritual values rather than to the material values of life;

Whereas, for 40 years, Key Club members in the Illinois-Eastern Iowa District have promoted the adoption of higher standards in scholastics, sportsmanship, social contacts, and the development of a more concerned citizenship; and Whereas, Key Club members in the Illinois-Eastern Iowa District have graduated to become productive citizens and leaders in business and government;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 30-April 6, 1990, as ILLINOIS-EASTERN IOWA DISTRICT KEY CLUB 40TH ANNIVERSARY WEEK in Illinois. I call upon Illinoisans to support the members of this organization who are continually striving to make themselves better, more responsible citizens by providing meaningful service to thousands who are less fortunate.

Issued by the Governor March 19, 1990.

Filed with the Secretary of State March 26, 1990.

#### 90-112 PARKS AND RECREATION MONTH

Whereas, Illinois has had a long tradition as a state dedicated to the promotion of recreational opportunities for all its citizens; and

Whereas, Illinois is recognized as a leader in the nation in the local delivery of park and recreation services; and

Whereas, the active use of leisure time develops personal skills, adds balance to life, engenders individual growth through physical fitness, and provides group interaction through participation in organized team sports; and

Whereas, "Take Time for Fun," is the byword of the recreation industry in Illinois, signifying a philosophy that the active rather than passive use of free time creates opportunities for achievement and self-fulfillment; and

Whereas, strong local Park and recreation services and quality park areas promote Illinois as a state in which to visit and vacation;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim July 1990 as PARKS AND RECREATION MONTH in Illinois. I urge all residents and visitors to take advantage of our state's beautiful parks and to participate in the special events being conducted by local park agencies throughout Illinois.

Issued by the Governor March 19, 1990.

Filed with the Secretary of State March 26, 1990.

#### 90-113 AMBUCS MONTH

Whereas, the recognition of American Business Clubs (AMBUCS) as an organization making an important difference in communities across the United States is a noteworthy event; and

Whereas, the State of Illinois is home to 22 chapters of the national AMBUCS organization, which is now celebrating 66 years of service; and

Whereas, AMBUCS displays a proud record of providing scholarships for training young people as therapists for functionally handicapped individuals; and

Whereas, the State of Illinois is proud to recognize the service of its more than 1,100 AMBUCS members to their communities and to education; and

Whereas, AMBUCS chapters have conducted various community projects and continue to provide help to students of therapy and to handicapped persons who are in need;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 1990 as AMBUCS MONTH in Illinois and urge citizens to take notice of the community services provided by AMBUCS clubs in the State of Illinois.

Issued by the Governor March 21, 1990.

Filed with the Secretary of State March 26, 1990.

#### 90-114 CLARENCE DARROW COMMUNITY CENTER DAY

Whereas, in the past 35 years, the Clarence Darrow Community Center (CDCC) has helped more than 6,000 low-income black residents of the Garfield Ridge community by promoting an environment of self-help through its programs of child care, family and teen counseling, literacy, employment assistance, and economic development; and

Whereas, in 1989, CDCC, along with Le Claire Courts, formed Le Claire Courts Resident Management Corporation. The corporation was the first independent, resident-run, nongovernment manager of the Chicago Housing Authority; and

Whereas, CDCC has contributed to the economic development of the community by forming a city-wide catering business and a laundromat. CDCC also initiated the ACCEL Transportation Company, which provides door-to-door bus service for city dwellers who need transportation to their jobs in the suburbs;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 31, 1990, as CLARENCE DARROW COMMUNITY CENTER DAY in Illinois in recognition of CDCC's contributions to the Garfield Ridge community and our State.

Issued by the Governor March 21, 1990.

Filed with the Secretary of State March 26, 1990.

#### 90-115 LEGISLATORS' FITNESS DAY

Whereas, it is generally recognized that physical fitness contributes to overall good health and well-being; and

Whereas, it is extremely important that our leaders, who make decisions with profound effects for us all, are concerned about their own health so they can maintain optimum performance during stressful legislative sessions; and

Whereas, the Illinois Association for Health, Physical Education and Recreation, and the Governor's Council on Health and Physical Fitness are cosponsoring Legislators' Fitness Day;

and Whereas, on this day, computer-assisted fitness tests such as cardiorespiratory efficiency, and body composition and flexibility will be administered, and nutrition and exercise information will be distributed to interested legislators; Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 18, 1990, as LEGISLATORS' FITNESS DAY in Illinois, in recognition of the importance of physical fitness to our leaders and all citizens.

Issued by the Governor March 21, 1990.

Filed with the Secretary of State March 26, 1990.

**90-116  
RURAL HEALTH CARE WEEK**

Whereas, a healthy rural and agricultural citizenry is vital to the overall economic health of the state; and Whereas, state and national recognition of the unique problems of access to health care in rural Illinois have increased; and

Whereas, improving access to primary health care services is a stated rural development policy in Illinois; and Whereas, health, medical, university, farm, community organizations and local, state, and federal government are dedicating human resources to identifying rural health care problems and promoting local, regional, state, and national actions to improve access to care; and

Whereas, the Illinois Rural Health Association convenes its first annual rural health conference, "Health Care For Rural Illinois--Transition Into The 1990s," in Effingham, March 27-29, 1990;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 25-31, 1990, as RURAL HEALTH CARE WEEK in Illinois.

Issued by the Governor March 21, 1990.

Filed with the Secretary of State March 26, 1990.